

PROVINCE OF ALBERTA  
1937

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The School Act  
The School Assessment Act  
The School Grants Act  
The School Attendance Act  
The Teaching Profession Act  
and  
General Regulations  
of  
The Department of Education



EDMONTON:  
A Shnitka, King's Printer  
1937

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*For 1938 Amendments See A. S. J. G.  
Magazine for June 1938.*



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# The School Act, 1931

Being Chapter 32 of the Statutes of Alberta, 1931,  
with amendments up to and including 1937.

(OFFICE CONSOLIDATION)

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The School Act, 1931.*" Short title

2. In this Act, unless the context otherwise requires,— Interpretation

(a) "Board" shall mean the board of trustees of any school district and the board of any division constituted pursuant to Part XVII of this Act;

(b) "Department" shall mean the Department of Education;

(c) "District" shall mean any school district established pursuant to the provisions of this Act;

(d) "Elector" shall mean,—

(i) in any proposed rural or village district, any person of the full age of twenty-one years who is a resident thereof and who, if the district were established, is the owner of property which would be liable to assessment for school purposes therein or is the tenant of property which would then be liable to assessment for school purposes; and shall include the husband, wife, son, daughter, father or mother of any of such persons provided that such husband, wife, son, daughter, father or mother is of the full age of twenty-one years and is a resident of the proposed district;

(ii) in any established district other than a town district, any person of the full age of twenty-one years who is a resident thereof, a British subject, and who is the owner of property and liable to assessment for school purposes therein or is the tenant of property which is liable to assessment for school purposes; and shall include the husband, wife, son, daughter, father or mother of any of such persons provided that such husband, wife, son, daughter, father or mother is of the full age of twenty-one years and is a resident of the established district and any resident who has in the current year or the previous year paid to the district a tax for school purposes other than a tax payable for school purposes in respect of property.

*Amended  
1938  
who is a  
British subject*

*is a British  
subject*

- (iii) in a town district any person whose name is on the town voters' list and any person whose name has been added to the assessment roll by reason of the payment of the minimum tax levied pursuant to section 349 of *The Town and Village Act*; provided that such person is a British subject;
- (e) "Proprietary elector" shall mean any elector, other than a tenant, who is liable to assessment and taxation for school purposes in respect of any property situated in a school district;
- (f) "Inspector" shall mean any school inspector appointed under this or any other Act;
- (g) "Judge" shall mean a judge of the District Court of the Judicial District in which the school district is wholly or mainly situated;
- (h) "Minister" shall mean the Minister of Education;
- (i) "Rural district" shall mean any district, no part of which is within the limits of a city, town or village: Provided that the incorporation of a village shall not affect the status of any rural district until the end of the current year;
- (j) "School" shall mean any school established pursuant to this Act, or any class-room thereof;
- (k) "Secretary" or "treasurer" shall include secretary-treasurer;
- (l) "Teacher" shall mean any person holding a legal certificate of qualification as a teacher;
- (m) "Town district" shall mean any district situated wholly or in part within the limits of any city or town;
- (n) "Ungraded school" shall mean the school of a district employing only one teacher;
- (o) "Unorganized territory" shall mean any part of the Province which has not been included in any school district;
- (p) "Village district" shall mean any district situated wholly or in part within the limits of any village: Provided that the incorporation of any town wholly or in part within the limits of any village school district shall not affect the status of that district until the end of the then current year.

[1934, c. 30, s. 2; 1937, c. 40, s. 2.]

*g' new.*

*(1) Hamlets,*

*(11)*

#### PART I.

#### ESTABLISHMENT OF SCHOOL DISTRICTS.

##### PUBLIC SCHOOL DISTRICTS.

Conditions  
for establish-  
ment of  
school  
district

3. Any portion of the Province of Alberta may be established as a public school district, provided that,—

- (a) it does not exceed four miles in length or in breadth exclusive of road allowances;

- (b) it contains four persons actually resident therein who on the establishment of the district would be liable to assessment, and eight children not younger than five nor older than sixteen years of age;
- (c) the boundaries and name of the proposed district shall have been first approved by the Minister:

Provided, however, that in special cases the Minister may permit the boundaries of any district to exceed four miles in length or in breadth or in both. Proviso

**4.**—(1) Any three residents in any such portion of the Province may petition the Minister to establish that portion as a school district. Petition

(2) The petition shall be in the form prescribed by the Minister.

**5.** The Minister may in his discretion approve the boundaries and name of a proposed school district, and upon so doing shall require the petitioners to call a first meeting of the electors of the proposed district pursuant to the provisions of this Act. Approval of Minister and first meeting of electors

#### SEPARATE SCHOOL DISTRICTS.

**6.** The minority of electors in any district, whether Protestant or Roman Catholic, may establish a separate school therein; and in such case the electors establishing such Protestant or Roman Catholic separate school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof and any person who is legally assessed or assessable for a public school in the said district shall not be liable to assessment for any separate school therein. Establishment of separate school district and liability of electors thereof

**7.** The petition for the establishment of a separate school shall be signed by three electors of the religious faith indicated in the name of the proposed district and shall be in the form prescribed by the Minister. Petition

**8.** The persons qualified to vote for or against the establishment of a separate school district shall be the electors in the district of the same religious faith, Protestant or Roman Catholic, as the petitioners. Qualification of voters

**9.** The notice calling a meeting of the electors for the purpose of taking their votes on the petition for the establishment of a separate school district shall be in the form prescribed by the Minister, and the proceedings subsequent to the posting of such notice shall be the same as prescribed in the formation of public school districts. Meeting of electors, notice and procedure

**10.** After the establishment of a separate school district under the provisions of this Act, such separate school district and the board thereof, shall possess and exercise all Rights, powers and privileges of separate school districts



rights, powers and privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts.

Residents  
of separate  
and public  
school  
districts  
respectively

**10a.** For the purposes of this Act a person who is resident at a place which is included within the boundaries of a separate school district shall, if a separate school supporter, be deemed to be a resident of the separate school district and not a resident of the public school district, otherwise he shall be deemed to be a resident of the public school district and not a resident of the separate school district.

[1935, c. 44, s. 3.]

#### ESTABLISHMENT OF SCHOOL DISTRICT BY THE MINISTER.

Establish-  
ment of  
school  
district by  
Minister  
Publication  
of order

**11.—(1)** The Minister may by an order in writing establish any portion of the Province as a school district.

(2) Notice of every such order shall be published in *The Alberta Gazette*; and upon such publication, such school district shall be deemed to be duly established.

First  
meeting

(3) The Minister may appoint a person to call a first school meeting of the electors of such school district to elect trustees.

#### FORMATION OF CONSOLIDATED SCHOOL DISTRICTS AND RURAL HIGH SCHOOL DISTRICTS.

Consolida-  
tion of  
school  
districts

**12.** Two or more school districts of any kind, not less than thirty nor more than eighty square miles in area, may be consolidated by the formation of a new district in the manner hereinafter provided; and every such new district shall be known as "a consolidated school district."

Rural high  
school  
districts

**13.** Two or more adjoining school districts of any kind may consolidate in the manner hereinafter provided to form a new district for the purpose of establishing and maintaining therein a school or schools for the education of pupils who have completed the work of Grade VII or Grade VIII of the public school course as classified by the regulations of the Department, and a district so formed shall be known as "a rural high school district."

Procedure  
for the  
formation of  
consolidated  
school  
district  
or rural high  
school  
district

**14.** Any person or persons desiring the formation of a consolidated school district or a rural high school district, may submit to the Minister an application therefor, together with a detailed statement with reference thereto; and thereupon the Minister may cause such enquiries to be made with reference thereto as he may deem proper, and for that purpose may cause one or more public meetings of electors to be held in the proposed district, at such time or times, place or places, and after such notice as he may require, for the purpose of discussing the formation of the proposed new district; and may appoint one or more persons as a com-

mittee, whose duty it shall be to furnish him with such information with reference to the proposed district as he may require; and he may proceed to approve the boundaries of the proposed district and to authorize the circulation of a petition for signature by the electors in the proposed district, requesting the taking of a poll of such electors for and against the formation of the proposed district, or the Minister may in his discretion refuse the application.

**15.**—(1) If there is no district containing a town or village within the proposed district, and if the boundaries of the proposed district have been approved by the Minister, then upon the receipt by him of an application in that behalf, in such form as may be by him prescribed, signed by at least twenty-five per cent of the electors in each district within the proposed district, the Minister may cause the holding of a meeting of the said electors at such place and time as may be determined by the Minister.

Meeting of electors in proposed district not containing a town or village

(2) Notice of such meeting shall be given in such form as may be provided by the Minister, and shall be posted up at least fourteen days before the date of the meeting, in five conspicuous places in each district included in the proposed district; and an additional notice shall be posted up in a post office within the proposed district; and if there be no such post office, then in the post office nearest thereto, or the Minister may in his discretion refuse the application.

Notice of meeting

**16.**—(1) If there is a district containing a town or village within the proposed district, the Minister may provide for the holding of a public meeting of the electors in those districts which do not include a town or village, included in the proposed district, upon the receipt by him,—

Meeting of electors in proposed district containing town or village

- (a) of an application signed by twenty-five per cent of the electors of each of the districts which do not include a town or village and are included in the proposed district;
- (b) of a request for the formation of the proposed district by each district which includes a town or village and is included in the proposed district.

(2) The Minister may direct the Board of every district containing a town or village included in the proposed district to pass a resolution approving or disapproving the proposed district, and such resolution shall be passed at the next regular meeting of such Board held after the receipt of the direction of the Minister.

Submission of resolution as to proposed district to Boards of constituent districts

(3) It shall be the duty of the Board to give public notice as soon as may be after the passing of any such resolution in such form as may be prescribed by the Minister, setting forth the resolution passed by the Board, and that a poll of the electors may be held within eight days of the posting of the notice upon delivery to the secretary, or, in his absence, upon delivery to the chairman of the Board of a demand for a poll signed by twenty-five per cent of the electors of the district.

Notice to electors of adoption of resolution

Vote of  
electors

(4) If within eight days of the posting of the notice last mentioned, a demand in writing for a poll, signed by at least twenty-five per cent of the electors of the district, is delivered to the secretary, or in his absence to the chairman of the Board, then the Board shall, as soon as conveniently may be, cause a meeting of the electors in such district to be held to vote for or against the formation of the proposed new district.

Conduct  
of poll

**17.—**(1) All the provisions of this Act relating to the calling and conduct of a first school meeting and the taking of a poll thereat, except such as relate to the election of trustees, shall apply to any meeting held pursuant to the provisions of this part of this Act.

Certification  
of result  
of poll

(2) Forthwith after every such meeting, the chairman thereof shall certify to the result of the poll in the form prescribed by the Minister, and shall place in an envelope the certificate, the poll list, ballots, declarations and all other records of the poll, and shall securely seal the same and shall send the same by registered mail to the Minister.

Formation  
of district

**18.** Upon being satisfied that any poll has been held substantially in accordance with the provisions of this Act, and that,—

- (a) in the case of a proposed district which includes no district containing a town or village, a majority of the votes cast in the total area of the proposed district have been cast in favour of the proposed district; or
- (b) in the case of a proposed district which includes a district containing a town or village, that,—
  - (i) the Board of such district containing a town or village, has passed a resolution in favour of the proposed district, and that no poll has been demanded; or
  - (ii) the said Board having passed a resolution for or against the proposed district, and a poll having been demanded thereon, the majority of the votes cast at such poll have been cast in favour of the proposed district; and
  - (iii) a majority of the votes cast in the area of the proposed district, exclusive of any district therein containing a town or village, have been so cast in favour of the proposed district.—

the Minister may by order form such district included in the proposed district into a consolidated school district; a notice of every such order shall be published in *The Alberta Gazette*, and the Minister shall proceed to direct the calling of a first school meeting of the electors of each district included in the consolidated school district for the purpose of electing a trustee or trustees, and shall require the Board of Trustees of each district included in a rural high school district to appoint one of its members to be a trustee of the rural high school district.

**19.**—(1) Whenever any persons desire that one or more school districts adjacent thereto should be added to a consolidated school district, or a rural high school district, they may submit to the Minister an application therefor, whereupon the Minister may authorize a special meeting of the electors in each of such districts and a vote to be taken as nearly as may be in accordance with the provisions of section 17 of this Act, for the purpose of ascertaining if the majority of the electors thereof are in favour of the union of such district with the consolidated district.

Addition of districts to consolidated or rural high school districts

(2) If a majority of all the votes cast have been cast in favour of the proposed union or consolidation, and if the same has been approved by resolution of the Board of the consolidated district, the Minister may by order, notice of which shall be published in *The Alberta Gazette*, unite such district with the consolidated district.

(3) Before issuing such order the Minister may make such alterations in the boundaries of existing districts, or establish such districts, as he may deem advisable.

Alterations in boundaries

**20.** The Minister may by order declare that any portion of the Province which does not exceed 640 acres in area, and which contains approximately twenty-five separate buildings, each occupied as a dwelling house, and which is not as to any part thereof, within the limits of any city, town or village, to be a village for the purposes of the next preceding four sections, and thereupon the same shall be conclusively deemed to be a village for the purposes aforesaid.

Power to declare certain areas to be villages

**21.** Upon the formation of a consolidated school district the trustees of the districts forming the consolidated district shall cease to hold office and the Minister shall appoint an official trustee for each of the said districts and for the consolidated district, who shall hold office from the time of the consolidation until a Board of Trustees for the consolidated district has been elected or appointed.

Official trustee upon formation of consolidated district

**22.** Notwithstanding any other provision of this Act, the Minister may, if he deems it necessary so to do, having regard to the special educational difficulties in any portion of the Province, by order, notice of which shall be published in *The Alberta Gazette*, form out of any portion of the Province a consolidated school district without any further or other proceedings prior to such order:

Formation of consolidated school districts by Minister

Provided that the Minister shall not form in any one year more than two consolidated school districts, by virtue of the power conferred upon him by this section.

Proviso

**23.** Upon making any order for the formation of any consolidated school district, or any rural high school district, the Minister shall make all necessary alterations in the boundaries of any districts affected by such formation, and shall establish such districts as he may deem advisable prior to making the order of formation.

Alterations in boundaries on formation of consolidated and rural high school districts

Title of consolidated school district

**24.** Every consolidated school district formed pursuant to the provisions of this Act shall be given such name and number as the Minister may specify in the order of formation, and shall have a title in the form following, namely: "The.....Consolidated School District No....., of the Province of Alberta."

Title of rural high school district

**25.** Every rural high school district formed pursuant to the provisions of this Act shall be given such name and number as the Minister may specify in the order of formation, and shall have a title in the form following, namely: "The.....Rural High School District No....., of the Province of Alberta."

Alteration of boundaries and change of name of consolidated and rural high school districts

**26.** After the formation of any consolidated school district or rural high school district the Minister may from time to time in his discretion,—

- (a) alter the boundaries thereof by adding to or taking from the area of any district which forms a part of a consolidated school district or a rural high school district, or by the addition or the withdrawal of any district;
- (b) change the name of any consolidated school district or rural high school district in the manner provided by this Act for the change of name of a school district.

#### UNION OF PUBLIC AND SEPARATE SCHOOL DISTRICTS.

Union of public and separate school districts

**27.** If in any area there exist a public school district and a separate school district and it is resolved by the electors of each of such school districts at a public meeting of such electors respectively called for the purpose of considering the question that it is expedient that such districts should be dissolved for the purpose of the union of the same and the establishment of such area as a public school district, the Minister may, by order, notice of which shall be published in *The Alberta Gazette*, dissolve such existing districts and establish such area as a public school district with such name as he may decide upon; and thereafter the Minister may make such orders, provisions and appointments as to him shall appear proper for the carrying into effect of such dissolution and the establishment of the public school district, and as to all matters incident thereto and necessary for the operation of the same as a public school district, and for the carrying out therein of all the provisions of this Act, and for the adjustment, arrangement and winding-up of all the affairs of such dissolved districts, and for the settlement of their liabilities and disposition of their assets:

Proviso

Provided that unless the liabilities of such dissolved districts are not otherwise liquidated, the same shall be assumed by and imposed upon such newly established district, and any debentures issued by the dissolved districts or either

of them shall have the same force in and effect upon the newly established district and the property and taxes thereof as they had in and upon the district by which they were respectively issued and its property and taxes; and the trustees of such newly established district may authorize and direct the levy and collection of such rate or rates as may from time to time be necessary for the discharging of any liability or debenture indebtedness of a dissolved district assumed by or imposed upon such new district.

## PART II.

### RELATING TO MEETINGS OF ELECTORS.

#### PLACE FOR MEETINGS.

**28.** In a consolidated school district and a rural high school district, meetings of electors held pursuant to any of the provisions of this Act shall be held at a central place within such district. Place for meetings of electors

#### FIRST SCHOOL MEETINGS.

**29.—(1)** A first school meeting of the electors of any proposed district or of any district established by the Minister or of each district in a consolidated school district shall be called by the person or persons required by this Act so to do, immediately upon the receipt by such person or persons of a direction so to do from the Minister. Calling of first school meeting

(2) Such meeting shall be called by posting up a notice, in such form as may from time to time be prescribed by the Minister, in at least five widely separated places within such limits, one of which places shall be the post office therein if there be such post office. Posting of notices

(3) If there be no such post office therein, an additional notice shall be posted in the nearest post office thereto. Additional notice

(4) Every such notice shall be posted up at least two weeks prior to the date thereby fixed for the said meeting. Time of posting

**30.** The persons whose duty it is to post the notices of any first school meeting shall furnish the Minister with proof to his satisfaction of the due posting up of the said notices, and such proof shall be in such form as may from time to time be prescribed by the Minister. Proof of posting of notices

**31.** The persons entitled to vote at a first school meeting shall be the electors present thereat. Persons entitled to vote

**32.** At one o'clock in the afternoon, standard time, on the day for which the meeting is called, the electors present shall choose one of their number as chairman of the meeting, and shall appoint a secretary, who shall record the minutes of the meeting and perform such other duties as may be required of him by this Act. Chairman and secretary

Declaration  
by chairman

**33.** The chairman shall upon his appointment sign the declaration in Form A in the schedule to this Act.

Declaration  
by elector

**34.—**(1) After the appointment of a chairman any elector wishing to take any part in the meeting and vote thereat shall sign in the presence of the chairman and secretary the declaration in Form A in the schedule to this Act.

Declaration  
obligatory

(2) No one who has not signed such declaration shall be entitled to take any part in the meeting or vote thereat.

X  
Casting vote

**35.** The chairman shall not vote upon any question at the meeting, whether decided by show of hands or a poll, except in the case of a tie, when he shall give a casting vote.

Poll as to  
establish-  
ment of  
district

**36.** At a first school meeting of a proposed district the chairman shall, immediately after the signing of the declaration in Form A, proceed to take a poll of the votes of the electors for and against the establishment of such district and such poll shall be taken by ballot. [1937, c. 40, s. 3.]

Conduct of  
poll

**37.** The chairman shall preside over the taking of the poll, and the secretary shall act as the poll clerk. [1937, c. 40, s. 4.]

Result of  
poll

**38.** The poll shall remain open for one hour and at the end of that time the chairman shall declare the same to be closed and shall proceed to sum up the votes and to declare the result of the poll.

Proceedings  
after poll  
favourable to  
establish-  
ment

**39.** If the result of the poll is favourable to the establishment of the district, the meeting shall proceed to the nomination and election of trustees, and, subject to the provisions of this Part, all the provisions of this Act relating to the nomination and election of trustees at an annual meeting of a district other than a town district shall apply to such nomination and elections held under the provisions of this Part.

Qualifica-  
tions of  
trustees

**40.—**(1) No person shall be nominated for or capable of election as a trustee unless he is,—  
(a) a British subject;  
(b) an elector of the district; and  
(c) able to read and write.  
(2) Each candidate for the office of trustee shall be nominated by two electors of his district.

Nominations

**41.** Nominations shall be received by the chairman for thirty minutes after he first calls for the same.

Acclamation

**42.** In case the number of nominations does not exceed three, the chairman shall declare the persons nominated to be elected and they shall hold office as set out in section 72.

**43.**—(1) If more than three candidates are nominated, the chairman shall, at the close of the time for receiving nominations, declare a poll open for the election of trustees.

Opening of  
poll

(2) Such election shall be by ballot, and shall be conducted as is hereinafter provided with regard to the annual election of trustees.

Mode of  
election

**44.**—(1) The chairman shall within ten days of the meeting send to the Minister,—

Information  
to be sent to  
Minister

- (a) a true copy of the notice calling the meeting;
- (b) due proof, in such forms as the Minister may require, of posting the notices aforesaid;
- (c) a true copy of the minutes of the meeting;
- (d) a statement of the vote taken as to the establishment of the district;
- (e) the result of the elections of trustees;
- (f) the declarations of the chairman and the electors.

(2) The Minister may upon receipt of all the last mentioned documents and upon being satisfied that all the requirements of this Act as to the establishment of the district have been substantially complied with, order the establishment of the district as a school district and assign to it a name and number.

Establish-  
ment of  
school  
district

(3) Notice of the establishment of the district shall be published in *The Alberta Gazette*, and such notice shall be conclusive evidence of the due establishment of the district.

Notice of  
establish-  
ment

(4) Every district created under this Act shall have a title in the form following: "The.....School District No....., of the Province of Alberta."

Title of  
school  
district

(5) The Minister may from time to time alter the name or number, or both, of any district upon the petition of the board of such district, or without such petition if the Minister deems it advisable, and notice of such alteration shall be published in *The Alberta Gazette*, but in such cases the seal theretofore used by such district shall continue to be the seal thereof until changed by the Board.

Alteration  
of title

(6) No change in the name or number, or both, of any district made in accordance with the provisions of this Act shall affect any obligations incurred, acts done, or property acquired prior to such change.

Effect of  
alteration

### PART III.

#### ANNUAL MEETINGS.

##### IN TOWN DISTRICTS.

**45.**—(1) An annual meeting of the electors and rate-payers of every town district shall be held at the time and place appointed for the holding of the annual meeting of the

Annual  
meeting of  
town district  
and notices  
thereof



electors of the town or at such other time and place as may be fixed by a resolution of the Board.

(2) Notice of the time and place at which the annual meeting is to be held shall be given by the publication of notice at least once a week in each of the two weeks preceding the week in which the meeting is to be held in a newspaper published in the district, or if there be no such newspaper, then in the manner herein provided with respect to meetings in rural and village districts. [1934, c. 30, s. 3.]

IN ALL OTHER DISTRICTS.

Annual meeting in all other districts

**46.**—(1) In every district other than a town district there shall be held in the school house, or some other suitable place within the district, a meeting of the electors and ratepayers of the district not later than the twentieth day of February in each year, commencing at any fixed hour between the hours of one and eight inclusive, in the afternoon.

Notice

(2) The Board of every such district shall call such meeting and shall cause notices of the meeting to be posted not later than the eighth day before the day fixed for the meeting, in five conspicuous places within the district, one of which shall be the post office. If there is no such post office then a notice shall be posted up in the nearest post office thereto. Such notices shall set forth the day, place and hour of the meeting.

[1933, c. 21, s. 2; 1934, c. 30, s. 4; 1935, c. 44, s. 4.]

Chairman and secretary

**47.** At the time specified in the notice for the commencement of the meeting, the electors present shall choose one of their number as chairman of the meeting, who shall take the chair and call the meeting to order, and the secretary of the Board, or someone appointed by the chairman, shall record the minutes of the meeting and perform such other duties as may be required of him by this Act.

Casting vote

**48.** The chairman shall not vote on any question, whether it is to be decided by a show of hands or a poll, except in case of a tie, when he shall give a casting vote.

Persons entitled to vote

**49.** Ratepayers and electors shall be entitled to take part in the annual school meeting, but only electors shall be entitled to vote for the election of a trustee.

Order of business

**50.** The business of the annual meeting may be conducted in the following order, that is to say:

- (a) Receiving and considering the minutes of the last annual meeting and the statements prepared by the teacher, trustees, treasurer, collector and auditor;
- (b) Receiving and considering the report of the inspector, except such part thereof as refers to the teacher

or the work or qualifications of the teacher, which part shall not be read unless the meeting by resolution so directs;

- (c) Miscellaneous business;
- (d) Election of trustees;
- (e) In case the taking of a poll of the electors is necessary and the Minister has directed that the poll shall be taken on a day other than the day of the annual meeting, the poll shall be taken in accordance with the directions of the Minister: and in the absence of any such direction, the poll shall be taken at the annual meeting.

[1932, c. 34, s. 2; 1936, c. 85, s. 2.]

**51.—(1)** The meeting having been duly opened, the chairman shall proceed to call upon the secretary to read the minutes of the last annual meeting and thereafter the statements and reports specified below, which shall be considered and disposed of by the meeting, that is to say:

- (a) A statement of the teacher, signed by him, giving the following particulars: Duty of chairman  
  - (i) The number of days on which school was kept open during each term succeeding the last annual meeting;
  - (ii) The total number of children attending school during that period;
  - (iii) The number of children of school age residing in the district who did not attend school during the year;
  - (iv) The average daily attendance for each term and for the year;
  - (v) The classification of pupils and the number of pupils in each grade;Statement of teacher
- (b) A statement prepared by the trustees, showing,— Statement by trustees
  - (i) The names of the trustees;
  - (ii) The officers of the district appointed by the trustees, and their salaries;
  - (iii) The vacancies created in the Board during the year, giving the causes thereof, with an account of the elections held to fill such vacancies and the results thereof;
  - (iv) The engagements binding upon the Board, with special reference to those entered into during the previous year;
  - (v) The number of regular and special meetings of the Board held during the year, together with a statement showing the number of meetings attended by each member;
- (c) The treasurer's statement for the fiscal year ending on the thirty-first day of December preceding the annual meeting, in which shall be set forth,— Statement by treasurer

- (i) the amounts of money received by the district from each source of revenue, including Government grants, whether paid directly to the teacher or not;
  - (ii) the amounts of money paid out by the district, with particulars of payment;
  - (iii) the amounts of money due to the district, from all sources, with particulars;
  - (iv) the amounts of money due by the district, and the terms and times of payment;
- Statement by secretary
- (d) A statement prepared and signed by the secretary respecting the taxation for school purposes, in which shall be set forth,—
- (i) the number of acres of land assessed and the aggregate value thereof as shown by the last revised assessment roll in respect of which the district levies and collects rates, and the amount of the mill rate and the total amount levied for taxes in the preceding year;
  - (ii) the amount of each requisition made in the preceding year on account of school taxes upon any municipal district or any part thereof within the area of the district, and the aggregate value of all property in each such city, town, village or municipal district as last aforesaid, liable for the payment of the requisition as shown by the last revised assessment roll;
  - (iii) the amounts received by the district during the preceding year on account of current taxes levied and collected by the district and on account of requisitions, and the aggregate amount unpaid in respect of such requisitions;
  - (iv) the aggregate amount of all arrears of taxes and unpaid requisitions which the district is entitled to receive and the aggregate amount of all payments received during the preceding year on account of such arrears;
- Report by auditor
- (e) The auditor's report;
- Report by inspector
- (f) The inspector's reports received since the next preceding annual meeting was held, except such parts thereof as refer to the teacher or to the work or qualifications of the teacher, which parts shall not be read unless the meeting by resolution so directs;
- Further statements
- (g) Such further statements in relation to the affairs of the district as may be deemed advisable;
- Transmission of minutes
- (2) A copy of the minutes of every annual meeting, signed by the chairman and the secretary of such meeting, shall be forthwith transmitted to the Department.

[1936, c. 85, s. 3.]

52.—(1) Except in the case of a consolidated school district, as soon as the other business of the district has been transacted or ninety minutes after the opening of the meeting, if the other business be not then concluded, the chairman shall call for nominations for the office of trustee.

Election of trustee in cases other than consolidated district

(2) In the case of a consolidated school district, the meeting of that district shall then adjourn and the electors of each district included in the consolidated district, the term of office of whose trustees has expired or for which there is a vacancy to be filled, shall meet separately and appoint a chairman and secretary and proceed to the election of a trustee in accordance with the provisions of this Act for the election of trustees.

In case of a consolidated school district

(3) If upon the call for nominations being made all the business of the meeting has not been concluded, the meeting shall stand adjourned until the result of the election has been declared and thereupon the transaction of the unconcluded business shall be proceeded with.

[1933, c. 21, s. 3; 1936, c. 85, s. 4.]

53.—(1) Any two electors of the district may nominate for election as a trustee any person who is qualified as provided in section 64.

Nomination for election as trustee

(2) Any nomination shall be withdrawn if the person nominated intimates to the chairman before the close of nominations that he does not desire to be nominated.

Withdrawal

[1936, c. 85, s. 5.]

54. Nominations shall be received by the chairman for thirty minutes after he has first called for the same.

Receiving of nominations

55.—(1) In case there are no more nominations than there are trustees to be elected the chairman shall declare the candidates nominated to be elected.

Acclamation

(2) Where two or more trustees are being elected for different terms, then,—

Difference in terms of office

- (i) if elected after a poll the trustee receiving the highest number of votes shall be elected trustee for the longest term; the trustee receiving the next highest number of votes shall be elected trustee for the next longest term, and so on; and as between two or more trustees receiving the same number of votes a trustee whose nomination is prior in time shall be deemed to have more votes than a trustee whose nomination is subsequent;
- (ii) if no poll is held then the trustee first nominated shall be elected a trustee for the longest term; the second nominated for the next longest term; and so on;
- (iii) if there are more nominations than trustees to be elected, the chairman shall, at the close of

the time for receiving nominations, proceed to take a poll of the electors for the election of trustees, in the manner provided by this Act.

**55a.** The Minister may from time to time, in the case of any district, by order provide that during any period specified in the order, or in the alternative, until further order, whenever it is necessary to take a poll of the electors for the purpose of electing trustees, such poll shall be taken on the same day of the week following the day upon which the annual meeting is held; and in such case the poll shall be opened at the hour specified for that purpose in the order, and shall remain open for two hours, or for such longer period as the Minister may direct: the chairman of the Board, or any elector appointed for that purpose by the Board, shall preside over the taking of such poll, and the secretary of the Board, or any other person appointed by the Board, shall be secretary at such poll. [1932, c. 34, s. 3; 1934, c. 30, s. 5.]

**55b.** The Minister may direct that in any specified district the poll shall remain open for such period longer than two hours as may be specified by him, and such direction shall remain in force until revoked. [1932, c. 34, s. 3.]

#### DEFERRED SCHOOL MEETINGS.

Deferred  
school  
meetings

**56.—(1)** In case any first, annual or other school meeting required by this Act to be held is not held at the proper time, the secretary of the Board shall, when requested so to do by any two resident electors, or by the Minister, call such meeting by posting notices in the manner prescribed by this Act.

#### SPECIAL MEETINGS OF ELECTORS.

Special  
meetings  
of electors

(2) A special meeting of the electors of any district may be held at any time for any necessary purpose not provided for by this Act.

When called

(3) It shall be the duty of the secretary of the Board to call any special meeting,—

- (a) upon the request of the Board;
- (b) upon the request of the Minister;
- (c) upon the request of an inspector;
- (d) in town, village, consolidated and rural high school districts upon a request in writing signed by ten resident electors;
- (e) in rural districts upon a request in writing signed by a majority of the resident electors.

Notices

(4) The notices calling a special meeting shall set forth the purpose of the meeting and shall be posted in the manner provided for notices of annual meetings in rural and village districts. *Sec. 46*

(5) At the meeting so held the electors present shall elect a chairman and secretary, and no business shall be considered by the meeting other than that mentioned in the notices calling the same. Chairman  
and  
secretary

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#### PART IV.

#### RELATING TO BOARDS OF TRUSTEES.

##### CONSTITUTION OF BOARDS.

**57.** In and for every district there shall be a Board of Trustees, which shall be a corporation under the name of "The Board of Trustees of....." (*full name of school district*). Board of  
Trustees for  
every district  
[1932, c. 34, s. 4.]

**58.**—(1) Any rural school district or any village school district having in operation not less than eight class rooms may at the annual meeting of the district pass a resolution declaring that thenceforth the Board of Trustees of the district shall consist of five trustees; and thereupon and thereafter the Board of Trustees of the district shall consist of five trustees and at the next election of trustees after the passing of any such resolution as aforesaid there shall be elected two trustees for a term of two years and one trustee for a term of one year, and the two trustees of the district whose term has not expired shall continue to hold office for the terms for which they were respectively elected, and the term of office of all trustees thereafter elected shall be two years. For certain  
districts

(2) In every district other than a consolidated school district, a rural high school district, a town district and other than a rural school district or a village district which has passed a resolution fixing the number of trustees at five, the Board of Trustees shall consist of three trustees, each of whom unless elected at the first school meeting shall hold office for three years. [1933, c. 21, s. 4.]

**59.**—(1) Subject to the provisions of any special Act or Charter in every town district, the Board of Trustees shall consist of five trustees, each of whom shall, unless elected at the first school meeting, hold office for two years. For town  
district

(2) Upon a rural or village district becoming a town district, the first election for trustees shall be held at the time prescribed in this Act for the annual election of trustees, and at such election there shall be elected two trustees for a term of two years and one trustee for a term of one year, and the two trustees of the district whose terms have not expired shall continue to hold office for the terms for which they were respectively elected. For rural or  
village  
district  
which has  
become a  
town district  
[1932, c. 34, s. 5.]

For consolidated district not including a town

**60.** In every consolidated school district which does not include a town, the Board of Trustees shall consist of one trustee for each district included therein; and in every such district which contains a town the Board of Trustees shall consist of two trustees for such town district and one trustee for each other district included therein:

Proviso

Provided that if the Board so constituted should consist of an even number of trustees, then the Board shall consist of the number of trustees aforesaid and one additional trustee, who shall be elected by the electors of the consolidated district at large and shall hold office until the next annual meeting; the other trustees shall, unless elected at the first election in such district, hold office for two years.

For school district within a consolidated district

**61.** In every school district within a consolidated school district the school trustee or trustees elected or appointed as hereinbefore provided shall, with respect to all property, assets and liabilities of such district, possess all the powers and be subject to all the responsibilities of the Board of Trustees for such district, but the secretary-treasurer of the consolidated district shall be the secretary-treasurer of each of the districts within such consolidated district:

Proviso

Provided that the Board of the consolidated school district may, with the consent of the Minister, take over the assets and assume the liabilities of the districts or any one or more of them included in such consolidation, upon such terms and conditions as may be agreed upon by the said Board and the trustee or trustees representing the district or districts, the assets and liabilities of which are taken over and assumed; but such agreement shall not prejudicially affect the rights or security of the holder of any debentures issued by the district or districts, the assets and liabilities of which are taken over and assumed.

For rural high school district not containing a town

**62.** In every rural high school district not containing a town the Board of Trustees shall consist of one trustee for each district within the rural high school district, and in every rural high school district containing a town, the Board of Trustees shall consist of two trustees for the town district and one trustee for each other district included in the rural high school district, and each such trustee shall hold office until the expiration of the term being served by him as a trustee for the district which he represents on the Board of the rural high school district.

Duration of office

**63.** Every trustee shall continue to hold office until his successor has been duly elected or appointed, as the case may be, unless he has become disqualified by reason of any of the provisions of sections 66, 67 and 68, in which event he shall cease to hold office upon becoming so disqualified.

[1936, c. 85, s. 6.]

Qualification of trustee

**64.** Subject to the provisions of any special Act or Charter no person shall be nominated for, or be capable of being elected to, the office of trustee unless he is,—

- (a) a British subject;
- (b) an elector of the district; and
- (c) able to read and write.

## RESIGNATION OF TRUSTEE.

**65.**—(1) Any trustee wishing to resign may do so by sending notice in writing to the remaining member or members of the Board, who shall immediately take the necessary steps to fill the vacancy, and such resignation shall take effect only upon the election of a new trustee. Resignation of trustee

(2) A trustee who resigns his office may be re-elected with his own consent. Re-election

## DISQUALIFICATION OF TRUSTEE.

**66.**—(1) Any trustee who is convicted of a criminal offence punishable by a term of over one year's imprisonment, or of any offence against the provisions of this Act, or *The School Attendance Act*, for which a penalty is provided, or becomes insane, or absents himself from the meetings of the Board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the district for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election to fill any vacancy thus created. Disqualification of trustee

(2) A person who is convicted of a criminal offence shall be disqualified from being nominated for, or elected to, the office of trustee for a period of one year from the date of conviction. [1933, c. 21, s. 5.]

## TRANSACTIONS PROHIBITED FOR TRUSTEES.

**67.**—(1) No trustee shall enter into any contract in which he has any pecuniary interest with the Board of which he is a member, in his own name or in the name of another, alone or jointly with another. Every such contract shall be null and void. Contracts by trustee with Board prohibited

(2) No trustee shall receive payment for any work done or for materials supplied to any person in connection with any contract awarded or purchases made by the Board while such trustee was a member of the Board. Payments to trustee by Board for work or goods prohibited

(3) A trustee violating the provisions of this section shall *ipso facto* vacate his seat, and it shall be the duty of the remaining trustees to declare his seat vacant and forthwith call a meeting of the electors to elect a trustee in his place. Vacation of office

(4) A trustee violating the provisions of this section shall also be liable to a fine, not exceeding twenty-five dollars, on complaint laid before a justice of the peace by any two electors of the district. Penalty



Permissible  
payments to  
trustee by  
Board

(5) Nothing in this section shall prevent a trustee receiving—

- (a) remuneration from the Board as secretary, treasurer, janitor, local attendance officer, assessor, collector; or
- (b) the purchase price of a school site; or
- (c) a sum not exceeding ten dollars in any one year for labour or goods supplied;
- (d) reasonable allowances for travelling expenses and subsistence when engaged away from his place of residence on business of the Board authorized by a resolution of the Board;
- (e) remuneration from the Board for van driving at the ordinary current rate to an amount not in excess of the amount payable by the trustee for school taxes then owing by him.

#### ousting of trustee from office.

Ouster of  
office on  
application  
to judge

**68.**—(1) Any two or more electors of the district may at any time upon their several affidavits disclosing facts from which it appears that a trustee or trustees—

- (a) is or are guilty of a violation of the preceding section or of gross neglect of duty; or
- (b) negligently or wilfully fails or fail to carry out the provisions of the school law; or
- (c) is or are for any other reason whatever, which reason need not be of a nature similar to those herein specified, unfit to act as trustee or trustees—

Security  
for costs

and upon payment into court of the sum of fifteen dollars as security for costs, to abide the event of the application, apply to a judge for a direction calling upon such trustee or trustees to show cause why he or they should not be ousted from the office.

Order of  
ouster of  
office

(2) Where upon the return of the summons it appears to the judge by affidavit or oral evidence that such trustee or trustees or any of them is or are for any of the above reasons, or for any other reason whatever as aforesaid, unfit to act as trustee or trustees, such trustee or trustees shall thereupon become and be ousted from such office.

Discharge  
of summons

(3) If the judge is not so satisfied, he may discharge the summons, and in either case with or without costs.

Costs

(4) The costs of the proceedings shall be paid by such person or persons as the judge may in his discretion direct.

Ineligibility  
for election

(5) Any trustee so ousted from office shall not within three years thereafter be eligible for election as trustee in any school district.

[1933, c. 21, s. 6.]

## TENURE OF OFFICE BY TRUSTEES.

## IN CONSOLIDATED SCHOOL DISTRICTS.

**69.** The terms of office for trustees elected to the first Board of a consolidated district, shall be determined in the manner following:

Tenure of  
office of  
trustee in  
consolidated  
district

- (a) In the case of trustees representing districts other than town districts—
- (i) the names shall be placed upon a list in the numerical order of the districts which they represent;
  - (ii) if the number of such trustees is even, the list shall be divided into two equal parts. If the number of trustees is odd the list shall be divided so that the number of names in the upper part shall be greater by one than the number of names in the lower part of the list. The trustees whose names are in the upper part of the list in each case, shall hold office until the second annual meeting, and the remaining trustees shall in each case hold office until the first annual meeting;
- (b) In the case of trustees representing a town district, the trustee receiving the larger number of votes shall hold office until the second annual meeting and the other trustee shall hold office until the first annual meeting; provided that where there has been no poll, and in the case of an equality of votes, the trustee first nominated shall hold office for the longer period.

## IN RURAL HIGH SCHOOL DISTRICTS.

**70.** Each trustee elected to the first Board of a rural high school district shall hold office for the term which he was (when so elected) serving in the district which he represents.

In rural  
high school  
district

## IN OTHER DISTRICTS.

**71.** The trustees elected to the first Board of any other district shall hold office as follows: If elected after a poll, the trustee receiving the highest number of votes shall hold office until the third annual meeting of the district is held; the trustee receiving the second highest number of votes, until the second annual meeting is held; and the trustee receiving the lowest number of votes, until the first annual meeting is held; and as between two or more trustees receiving the same number of votes, the trustee whose nomination is first shall be deemed to have more votes than a trustee whose nomination was subsequent.

In other  
districts

**72.** If no poll is held, then the trustee first nominated shall hold office until the third annual meeting is held, the

In case of  
no poll

second nominated until the second annual meeting is held, and the third nominated until the first annual meeting is held.

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PART V.

RELATING TO THE ELECTION OF TRUSTEES.

PERSONS ENTITLED TO VOTE AT AN ELECTION OF TRUSTEES.

Persons  
entitled  
to vote  
at election  
of trustees

**73.** The persons entitled to vote at an election of a trustee shall be the electors of the district.

ELECTION OF THE FIRST BOARD OF TRUSTEES OF A DISTRICT.

Election of  
first Board  
of Trustees

**74.** The election of trustees to the Board of a district, other than a rural high school district, shall be held at the first school meeting held pursuant to the provisions of this Act, and all the provisions of the Act relating to the annual election of trustees in any district other than a town district shall apply thereto.

ANNUAL ELECTION OF TRUSTEES IN TOWN DISTRICTS.

Vacancies  
in Board

**75.** The trustees of every town district shall, at least twenty days prior to the date fixed for the municipal nominations in each year, give notice to the secretary-treasurer of the municipality, of the number of vacancies required to be filled to make the Board complete.

Application  
of *The Town  
Act*

**76.** The nomination and election of trustees shall be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as municipal nominations and elections of councillors or aldermen, except as to qualification for nomination and as a voter, which shall be as provided for in this Act; and the provisions of *The Town Act* or in the case of districts situated wholly or partially within the limits of any city or town incorporated under and subject to the provisions of any other Act, then the provisions of such Act respecting the time for receiving nominations and for opening and closing the poll, the mode of voting, corrupt or improper practice, vacancies and declarations of office shall, *mutatis mutandis*, apply to the election of school trustees. [1932, c. 34, s. 6.]

Voters' list

**77.** The secretary-treasurer of the municipality shall deliver to the returning officer, before the opening of the poll for the election of trustees, a list of all the qualified voters in the district, and in the event of there being a separate school district he shall place opposite the names of any per-

sons on the said list who have been returned to him as supporters of separate schools, the letters "SSS," and the returning officer shall not deliver to any such person a ballot paper for public school trustees.

**78.** A separate set of ballot papers shall be prepared by the returning officer, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except in the substitution of the words "school trustee" for "councillor" or "alderman" on the said ballot papers. Ballot papers

**79.** In case any objection is made to the right of any person to vote at an election of trustees in any town district, the returning officer may require the person whose right of voting is objected to to make the following oath or affirmation: Affirmation  
in case of  
objection

"I, A.B., do solemnly swear (or affirm) that I am a *bona fide* elector of (*name of district in full*), and I am of the full age of twenty-one years; that I have not before voted at this election; and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward, for voting at this time and place. So help me God."

[NOTE: In the case of an affirmation the words "So help me God" shall be omitted.]

Any person making such declaration shall be permitted to vote for the election of trustees.

**80.** At the annual meeting held in any town district, the statements and reports required to be read at a meeting in a rural district shall be read, unless the reading of any or all of them is dispensed with by resolution passed to that effect by the electors and ratepayers present, but any elector or ratepayer of the district shall have access to such reports and statements either during or after the meeting; and if the Board deems it advisable or is authorized so to do by resolution of the ratepayers at the annual meeting it may have any or all of such reports or statements, or any parts of them, except the inspector's reports, printed in a newspaper published in the district. Statements  
and reports

**81.** Within ten days after the annual election of trustees in any town district is held, the secretary of the district shall forward to the Department a certified copy of the returning officer's declaration as to the result of the poll. Transmis-  
sion to  
Department  
of result  
of poll

#### APPOINTMENT OF TRUSTEES IN A NEW RURAL HIGH SCHOOL DISTRICT.

**82.—(1)** Upon the formation of a rural high school district and within fifteen days after the receipt of a requisition from the Minister so to do, the Board of each rural Appointment  
of trustees on  
formation of  
rural high  
school  
district

and village district therein shall appoint one of their number, and the Board of each town district therein shall appoint two of their number, to represent such rural, village or town district on the Board of the rural school district.

Constitution of Board

(2) The trustees so appointed shall constitute the Board of the rural high school district.

Appointment of trustee of uniting district

(3) Upon the union of any district with a rural high school district as hereinbefore provided, the Board of Trustees of such district uniting with the rural high school district shall forthwith appoint one of its number to represent such district on the Board of Trustees of the rural high school district.

Constitution of Board of rural high school district comprising only two districts

**83.** In the event of a rural high school district being formed by the union of only two districts, neither of which contains a town, the two trustees appointed by the Board of such districts, as trustees of the rural high school district, shall, after taking the declaration of office, forthwith under their hands appoint an additional trustee, who shall hold office until the next annual meeting, and thereafter upon the completion of all other business at the annual meeting, the two trustees shall in like manner appoint an additional trustee, and in the event of the two trustees appointed by the Boards of their own districts being unable to agree as to the appointment of an additional trustee as aforesaid, such trustee shall be appointed by the Minister.

Vacancy in Board

**84.** Whenever a vacancy occurs in the Board of any rural high school district, a new trustee shall be appointed in the same manner as the trustee was appointed in respect of whom the vacancy occurs.

#### THE UNION OF ANY DISTRICT WITH AN ESTABLISHED CONSOLIDATED DISTRICT.

Election of trustee

**85.—**(1) Upon the union of any district with a consolidated district the trustees of such district so uniting with a consolidated district, if there be a Board of trustees, shall cease to hold office, and the Minister shall authorize such district to hold a meeting forthwith for the election of a trustee, which election shall be conducted as nearly as possible in the manner hereinbefore provided for the first election of trustees for a consolidated district.

Duration of office

(2) The Minister shall fix the duration of the term of office of such trustee.

Official trustee during interval

(3) The Minister may appoint an official trustee for such district to hold office during the interval between the union of such district with the consolidated district and the election of a trustee for such district as aforesaid.

## IN ALL OTHER DISTRICTS.

**86.** The poll for the election of a trustee shall be by ballot. Poll by ballot

**87.** The chairman of the meeting shall preside at the taking of the poll and shall— Duties of chairman

- (a) set apart a portion of the room where a voter may mark his ballot paper without being seen;
- (b) cause to be prepared a supply of ballot papers sufficient for the purposes of the election;
- (c) provide a suitable box in which the ballot papers can be deposited.

**88.** Each ballot paper shall consist of a sheet of paper as nearly as may be four inches wide and six inches long, and may be either written or printed or partly written and partly printed, and shall contain the names of the candidates duly nominated, arranged in the alphabetical order of their surnames, and shall be in the following form: Ballot paper

SCHOOL TRUSTEES	Form of ballot
Dickson, John	
Jones, Thomas	
Ross, Alexander	
Smith, Samuel	
Walker, William	

**89.** The chairman shall initial each ballot paper before delivering it to the voter. Initiailling ballots

**90.—(1)** The chairman, if requested by any elector or of his own accord, may require any person wishing to vote at the election of a trustee to subscribe the declaration in Form A in the case of a proposed district and Form B (1) or Form B (2) in the case of an established district in the schedule hereto, and any person subscribing such declaration shall be permitted to vote. Declaration of voter

(2) Every such declaration shall be subscribed in the presence of the chairman and secretary, who shall subscribe their names as witnesses thereto. How made

(3) Any person making any false statement in such declaration shall be guilty of an offence and liable on summary conviction to a fine of not more than ten dollars and costs. Penalty for false statement

(4) All declarations subscribed pursuant to this section shall be retained by the chairman. Retention of declarations

[1932, c. 34, s. 7.]

Number  
of votes

**90a.**—(1) No voter shall vote more than once at any election, nor for a greater number of candidates than the number of trustees to be elected.

Voidance  
of ballot  
papers

(2) Every ballot paper which indicates the casting of a number of votes which is greater than the number of trustees to be elected shall be null and void, and shall be ignored by the chairman when he counts the ballots.

[1933, c. 21, s. 7.]

X  
Method of  
voting

**91.** The voter shall place the figure one (thus **1**) on the right hand side of the ballot paper opposite the name of the candidate for whom he votes, or at any other place within the division which contains the name of such candidate, and fold his ballot paper so as not to disclose any markings thereon, but so as to show the chairman's initials on the back, and then hand the same to the chairman to be deposited in the ballot box, and forthwith quit the polling place.

Illiterate  
voters

**92.** If any voter is unable to read or write, the chairman shall mark his ballot as directed by such voter in the presence of all persons in the polling place.

Poll book

**93.** The chairman shall cause a poll book to be kept in Form D in the schedule hereto, in which the secretary shall enter the name and residence of each voter, numbering the same in consecutive order.

Right of  
candidate or  
agent to  
remain in  
polling place

**94.** Any candidate for the office of trustee, or an agent appointed by him in writing, shall have the right to remain in the polling place.

Counting of  
ballots

**95.** The poll shall remain open for two hours or for such longer time as may be directed by the Minister pursuant to this Act at the end of which time it shall be declared closed, and the chairman shall forthwith, in the presence of all persons present in the room at the time, count the ballots and declare the result of the poll.

[1932, c. 34, s. 8.]

Casting vote

**96.** If it appears upon the counting of the ballots that two or more candidates for any office have an equal number of votes, the chairman shall, at the time he declares the result of the poll, give a casting vote so as to decide the election, but except in such case the chairman shall not vote at any election.

Retention of  
ballot papers

**97.** The chairman shall, unless the Minister otherwise directs, or unless a judge otherwise orders, retain the ballot papers and all other papers used in connection with the election for two months after the date thereof, and shall then, unless otherwise directed or ordered as aforesaid, forthwith burn such ballot papers and other papers.

**98.** The Minister may, from time to time, make such regulations as he may deem proper, not inconsistent with the provisions of this Act, in regard to the conduct of elections of trustees for rural, village and consolidated school districts. Regulations as to conduct of elections

**99.** A copy of the minutes of every annual meeting, signed by the chairman and the secretary of such meeting, shall be forthwith transmitted to the Department. Submission of minutes to Department

## PART VI.

### ELECTIONS TO FILL VACANCIES IN BOARDS OF TRUSTEES.

#### VACANCIES IN TOWN DISTRICTS.

**100.** In town districts the election of a trustee to fill any vacancy shall be held in the same manner as provided in this Act for the annual election of trustees in town districts. Election on vacancy in Board in town district

#### VACANCIES IN RURAL HIGH SCHOOL DISTRICTS.

**101.** In rural high school districts a trustee shall be appointed to fill any vacancy by the Board of Trustees of the district contained therein which appointed the trustee whose seat is vacant. On vacancy in Board in rural high school district

#### IN DISTRICTS OTHER THAN RURAL HIGH SCHOOL DISTRICTS.

**102.** Where in any district, other than a town district or rural high school district, a vacancy occurs in the office of trustee in the interval between the last day of November and the next annual meeting of the district thereafter, then provided the number of remaining trustees constitutes a quorum an election to fill such vacancy shall be held at the time and in the manner provided for the election of trustees in such district at the annual meeting thereof, if such vacancy would continue after such meeting, and if not, no election shall be held to fill such vacancy. On vacancy in Board in districts other than rural high school districts

#### VACANCIES IN ALL OTHER DISTRICTS.

**103.—**(1) Upon a vacancy occurring in the Board of any district other than a town or rural high school district, it shall be the duty of the remaining trustees in office forthwith to call a special meeting, to be called in the manner prescribed by this Act, of the electors of the district in respect of which the vacancy exists, and such election shall be held in the same manner as is prescribed by this Act for the conduct of the annual election of trustees. On vacancy in Board in all other districts

(2) In the case of a consolidated school district the meeting shall be held in the district comprised therein in respect of which the vacancy to be filled has occurred.



Appointment  
by Minister  
to fill  
vacancy

**104.** If a vacancy is not filled in the manner by this Act provided within one month, the Minister may appoint some person to fill the vacancy, and the person so appointed shall hold office in every respect as if he had been elected.

## PART VII.

### DECLARATION OF OFFICE.

Declaration  
of office by  
trustee

**105.—(1)** Every trustee other than a trustee appointed by the Minister shall, before undertaking any of the duties of a trustee and taking his seat as a member of the Board, make a declaration before the chairman of the meeting at which he was elected, or a justice of the peace, or a commissioner for oaths, in the form following:

"I, *A.B.*, declare that I am a British subject, that I am an elector of (*name of school district in full*), that I can read and write, and that I hereby accept the office of trustee to which I have been elected (*or appointed*) in (*name of school district in full*), and that I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as such trustee.

"Dated at....., Alberta, this.....day of  
....., 19.....

"(Signed) *A.B.*,  
"*Trustee.*"

Certificate  
as to making  
declaration

(2) The chairman, justice of the peace, or commissioner for oaths before whom such declaration is taken shall deliver to the declarant a certificate signed by him in the form following:

"I, *C.D.*, of....., Alberta, (*occupation*), do hereby certify that *A.B.*, of....., Alberta, (*occupation*), having been elected (*or appointed*) a trustee for (*name of school district in full*), has this day made before me the declaration of office required by *The School Act*.

"Dated at....., Alberta, this.....day of  
....., 19.....

"(Signed) *C.D.*,  
"*Chairman of the meeting at which the  
said A.B. was elected such trustee.*  
"*A Justice of the Peace.*  
"*A Commissioner for Oaths.*"

To be  
delivered to  
and recorded  
by secretary

(3) Such certificate shall be delivered by the trustee to the secretary of the Board at the first meeting of the Board attended by him, and the secretary shall enter the fact of such delivery on the minutes of that meeting.

[1935, c. 44, s. 6.]

## PART VIII.

## MEETINGS OF THE BOARD.

## ORGANIZATION MEETINGS.

**106.** Upon the establishment of a new district, the trustee elected for the longest term, upon being notified by the Minister of the establishment of the district, shall, within ten days after the receipt of such notice, call a meeting of the Board for the purpose of choosing one of its members as chairman and appointing a secretary, treasurer, or secretary-treasurer, and transacting any other business as may be necessary.

Meeting of Board

**107.** In town districts the Board shall meet within ten days of the date of the annual municipal election, and in all other districts within ten days of the annual election of trustees and such meeting shall be called by the secretary, and if there be none, then by the member of the Board earliest elected.

Time of meetings

[1932, c. 34, s. 9.]

**108.** The business to be transacted at such meeting shall be,—

Business to be transacted

- (a) the appointment of the chairman of the Board, a secretary and a treasurer, or a secretary-treasurer, who shall each hold office during the pleasure of the Board;
- (b) the fixing of the remuneration of the secretary and of the treasurer, or of the secretary-treasurer.

**109.** The chairman of the Board shall not be the secretary, treasurer, or secretary-treasurer of the Board.

Chairman ineligible as secretary, etc.

**110.** A teacher employed by the district may be the secretary, but shall not be the treasurer, or secretary-treasurer of the district.

Teacher ineligible as treasurer, etc.

## OTHER MEETINGS OF THE BOARD.

**111.** The chairman or an inspector or any trustee may call a meeting of the Board, subject to the provision following, viz.:

Meetings at call of chairman, inspector or a trustee

Every meeting of the Board shall be called by giving two clear days' notice thereof in writing, which notice may be given by the delivery of such notice to each trustee, or in the absence from his residence of any trustee, to any adult person thereat.

Method of calling

[1936, c. 85, s. 7.]

**112.** The Board may at any meeting at which all the members of the Board are present decide by resolution to hold regular meetings of the Board, and such resolution

Regular meetings appointed by resolution

shall state the day, hour and place of every such meeting, and no further or other notice of any such meeting shall be necessary.

Notice of meeting not required if all members attend and waive notice in writing

**113.**—(1) A meeting of the Board may be held at any time without any previous notice if all the members of the Board are present at the meeting and each of them consents to waive notice and signs a consent.

(2) The consent shall be recorded upon the minutes of the meeting in the form following:

Waiver of notice

"We, the undersigned, trustees of the (*name of school district*), do hereby waive notice of this meeting."

Quorum of board necessary

**114.**—(1) No act or proceeding of any Board shall be deemed valid or binding on any party which is not adopted at a meeting at which a quorum of the Board is present.

Majority a quorum

(2) A majority of the Board shall form a quorum.

Nullity of contracts or agreements

(3) Any contract or agreement made by the Board for the sale, transfer or hypothecation of any debentures, or any interest therein, made before the Board of Trustees has been authorized to borrow the money, represented by such debentures as hereinafter provided, shall be null and void.

Contract for purchase void without Minister's approval

(4) The purchase of furniture, equipment and supplies required for the initial operation of the first school in any new school district shall be subject to the approval of the Minister, and any contract for the purchase of the same entered into without such approval shall be null and void.

Where number is less than a quorum

**115.** If the number of trustees be reduced to less than a quorum of the Board, the remaining trustees or trustee shall immediately take the necessary steps to fill the vacancies in the Board, but shall not transact any other business of the district.

Submission of questions to Board

**116.** All questions shall be submitted to the Board on the motion of the chairman or any other trustee, and no seconder shall be required.

Deciding of questions by vote

**117.**—(1) At all meetings of the Board all questions shall be decided by the majority of the votes and the chairman shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

Absence of chairman

(2) In case of absence of the chairman from any meeting of the Board the trustees present shall elect one of their number to act as chairman of the meeting.

Meetings to be open

**118.**—(1) Every meeting of the Board shall be open and no one shall be excluded therefrom except on account of improper conduct, or the lack of accommodation for the public.

(2) The chairman of every such meeting shall have the right to order the exclusion or expulsion of any person whose conduct is or has been such as to interfere with the proceedings of the meeting.

Exclusion  
for  
misconduct

## PART IX.

### RELATING TO BOARDS OF TRUSTEES AND THE OFFICERS THEREOF.

#### THE POWERS AND DUTIES OF BOARDS OF TRUSTEES.

**119.** It shall be the duty of the Board of every district, and it shall have power,—

Duties of  
Board

- (a) to appoint a chairman, a secretary and a treasurer, or a secretary-treasurer, and such other officers and servants as may be required by this Act;
- (b) to procure a corporate seal for the district;
- (c) to see that all the reports and statements required by this Act or by the Minister are transmitted to the Department without delay;
- (d) to provide the officers of the Board with the books necessary for keeping proper records of the district;
- (e) to take possession and have the custody and safe keeping of all the property of the district;
- (f) to provide adequate school accommodation for the purposes of the district, which shall include accommodation for pupils of six years of age;
- (g) to purchase or rent school sites or premises and to build, repair, furnish and keep in order the school house or houses, furniture, fences and all other school property; to keep the well, closets and premises generally in a proper and sanitary condition; and to make due provisions for properly lighting, heating, ventilating and cleaning the school room or rooms under its control;
- (h) to provide wholesome drinking water for the use of the children during school hours;
- (i) to provide suitable toilet and sanitary accommodation in the school building, or in the alternative separate buildings for privies for boys and girls, which buildings shall be erected in the rear of the school house at least ten feet apart, with their entrances facing in opposite directions or otherwise effectually screened from each other;
- (j) to insure and keep insured all school buildings and equipment;
- (k) to select and provide from the list authorized by the Minister all such reference books for the use of the pupils and teachers, and all such globes, maps, charts and other apparatus approved by the inspector as being required for the proper instruction of pupils;

- (l) to require that no text-books or apparatus be used in the school under its control other than those authorized by the Department;
- (m) to allow students enrolled in the normal schools to attend any class-room of any public or separate school in the district at any time while it is in session, for the purpose of observation and practice teaching;
- (n) to cause to be erected and maintained on the school grounds a flag-pole, with all requisite attachments for raising and lowering a flag, and to furnish a flag, which shall be the British Union Jack, to be not less than four feet long and not less than two feet wide, and to cause the said flag to be displayed from such flag-pole upon all such days as may be prescribed by regulation, and when not so displayed to be hung upon the wall inside the school room;
- (o) to perform such other duties as may be required by this or any other Act or the regulations of the Department;
- (p) to engage a teacher or teachers, duly qualified under the regulations of the Department, to teach in the school or schools in its charge, on such terms as it may deem expedient, under a contract in writing in the form prescribed by this Act, a certified copy of which shall forthwith be transmitted to the Department;
- (q) to provide for the payment of teachers' salaries at least once each month;
- (r) to make regulations for the management of the school, subject to the provisions of this Act, and to communicate them in writing to the teacher;
- (s) to see that the school is conducted according to the provisions of this Act and the regulations made pursuant thereto;
- (t) to provide, when deemed expedient, at what times pupils may be admitted to Grade I, and in the case of a district operating more than one school, to decide what school any of the children of such district shall attend; provided that in the case of ungraded schools the approval of the inspector shall be first obtained;
- (u) to see that the law with reference to compulsory education and truancy is observed;
- (v) to suspend or expel from the school any pupil who, upon investigation by the Board, is found to be guilty of open opposition to authority, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school;

- (w) to settle all disputes arising in relation to the school between the parents or children and the teacher.

[1936, c. 85, s. 8.]

**120.**—(1) The Board of every district shall at its discretion have power,— Powers of Board

- Amended 1938*
- (a) to provide, equip and maintain such room or rooms as may be required for giving instruction in manual training, domestic science, physical training, music and art, and to employ suitable teachers therefor;
- (b) to employ such physicians, dentists and nurses (or clinic) as may be deemed requisite to care for the health of the pupils, and advise parents and the Board with respect thereto, and the Board may make such expenditures as it may deem necessary to safeguard the health of such pupils;
- (c) to employ, subject to the regulations of the Department, a superintendent of schools when more than twenty teachers are employed;
- (d) to suspend or dismiss summarily any teacher for gross misconduct, neglect of duty, or for refusal or neglect to obey any lawful order of the Board, and thereupon shall forthwith transmit a written statement of the facts to the Minister;
- (e) to furnish the pupils with luncheon at the noon hour, either free of charge or at a price to be fixed by the Board;
- (f) to furnish the pupils with text-books, exercise books, pens, pencils, and other supplies, either free of charge or at a price to be fixed by the Board;
- (g) to exclude from attendance at school any pupil who, in the judgment of the inspector, is so mentally deficient as to be incapable of responding to class instruction by a skilful teacher, or whose presence is detrimental to the education and welfare of the other pupils in attendance at the school, subject, however, to the right of an appeal by the parent or guardian of such pupil to the chief inspector, whose decision shall be final;
- (h) to pay the expenses of any members of the Board, or of any officials or employees thereof, incurred in attending any convention of school trustees or any other educational convention or conference;
- Amended 1938* (i) if deemed advisable, to purchase or rent sites or premises for a house for the teacher, and to build, repair and keep in order such house; and, subject to the approval of the Minister, to dispose of any property, real and personal, belonging to the district; *New*
- (j) to erect and keep in order suitable stabling accommodation;

- (k) to provide a suitable library for the school and to make regulations for its management;
- (l) to exempt from the payment of school taxes wholly or in part any indigent persons resident within the district, and to provide for the children of such persons text-books or other supplies at the expense of the district;
- (m) to make a cash contribution towards any school fair or musical festival approved by the Minister;
- (n) to pay any sum or sums payable under an agreement approved by the Minister as to the attendance of the children of parents or guardians resident in the district at classes conducted for grades above the eighth at the school in another district;
- (o) to effect and keep on foot a policy or policies indemnifying the Board against liability in respect of any claim for damages or personal injury;
- (p) to provide pupils with correspondence tuition furnished through the Department of Education and to pay the fees chargeable therefor.

Powers of  
Board of  
town district

(2) The Board of every town district shall, at its discretion, have power,—

- (a) to establish, furnish and equip offices for the use of the Board and its officials in any school of the district, or to rent offices and furnish and equip the same;
- (b) to provide free medical, dental and surgical treatment for such pupils or classes of pupils as it may determine, and for children of pre-school age, at the request of the council of any town or city and at the expense of such town or city, and for that purpose may enter into any agreement with a local board of health which that board is authorized to enter into by section 21a of *The Public Health Act*.
- (c) to provide for retirement allowances and sick pay allowances for teachers and other employees of the Board; to become party to contributory superannuation schemes for the provision of superannuation for teachers and other employees; to contribute to any fund established to carry out any such scheme; to become party to schemes in the nature of group insurance of teachers and other employees of the Board, and to make contributions under any such scheme; but no such provision shall have any force or effect unless it is made by by-law and unless and until the by-law has been submitted to a vote of the proprietary electors of the school district in the same manner as is provided by Part XIV of this Act in the case of a debenture by-law, and upon

Superannua-  
tion, sick  
pay, group  
insurance,  
etc.

1938 New.

(c)

(d)

New. (3)

such vote being taken, has been approved by a majority of the voters voting thereon.

[1934, c. 30, s. 6; 1935, c. 44, s. 5; 1937, c. 40, s. 5.]

**121.** The Board of every district shall, at its discretion, have power, upon obtaining the consent in writing of the Board of Governors of the University of Alberta and the approval of the Minister of Education, to establish a college, in affiliation with the University of Alberta, in which may be taught work of a university grade not to exceed that commonly accepted for credit for the first two years of an Arts course, and to maintain and administer the college, and be entitled to receive grants under *The School Grants Act* in respect of the same.

Establishment of college

**122.** The Board of every town district situated in whole or in part within the limits of any incorporated city shall employ at least one physician, who shall be a member of the College of Physicians and Surgeons of the Province of Alberta, to inspect or supervise the inspection of pupils of each school in the district at least once during each school term, under such regulations as may be made by the Department:

Provision for medical inspection of pupils in town districts

Provided that in lieu of employing a physician, the Board may make arrangements with the local Board of Health to supply this service.

Proviso

**123.** The Boards of any two or more districts, each having not less than seventy-five pupils in grades above Grade V as classified by the regulations of the Department, may, subject to the approval of the Minister, enter into an agreement to make provision for instruction for such pupils in household science, manual training or commercial work, upon such terms as may be mutually agreed upon, and the Boards entering into any such agreement shall have full power and authority to make the necessary levy and assessment for the purpose of carrying out the terms of any such agreement.

Provision for instruction in household economics, etc.

*938*  
*substitute - in shop courses, household economics, music, art or commercial work.*

#### DUTIES OF THE CHAIRMAN OF THE BOARD.

**124.** It shall be the duty of the chairman of the Board,—

Duties of chairman

- (a) to exercise a general supervision over the affairs of the district;
- (b) to certify all accounts against the district passed by the Board before such accounts are paid by the treasurer:

Provided that by a resolution the Board of a town district may authorize some person other than the chairman to certify such accounts.



DUTIES OF THE SECRETARY, SECRETARY-TREASURER AND  
TREASURER OF THE BOARD.

Duties of the  
secretary or  
secretary-  
treasurer

**125.** It shall be the duty of the secretary or secretary-treasurer of the Board,—

- (a) to keep a full and correct record of the proceedings of every meeting of the Board in the minute book provided for that purpose, and to see that the minutes when confirmed are signed by the chairman;
- (b) to conduct the correspondence of the Board as he may be directed by the Board;
- (c) to have charge of and keep on record all the books, papers, accounts, assessment rolls, plans and maps committed to his charge by the Board during his term of office, and to deliver the same to the chairman on ceasing to hold office;
- (d) to faithfully prepare and duly transmit to the Department such reports and statements and such other information in regard to the district as may from time to time be required by the Minister, in such form as may be prescribed by the Minister;
- (e) at the request in writing of the chairman or an inspector or any trustee, or when required so to do by any provision of this Act, to call a meeting of the Board;
- (f) to produce the minute book and other books, assessment rolls and all papers and other records of the Board for inspection when required by an inspector so to do;
- (g) to prepare the statement of the trustees to be submitted at the annual meeting of the electors and ratepayers;
- (h) to give the notice required by this Act of each annual meeting of the electors and ratepayers and to call special meetings of the electors and ratepayers as provided by this Act. [1936, c. 85, s. 9.]

Security by  
treasurer or  
secretary-  
treasurer of  
town district

**126.—(1)** The treasurer or secretary-treasurer of the Board of a town district shall give security to the Board, before entering upon his duties, by bond of a guarantee company authorized to do business in the Province, which bond shall be in the form approved by and registered with the Minister.

Amount of  
bond and  
liability of  
trustees if  
bond not  
obtained

(2) The bond shall be for such an amount as the Board shall deem sufficient to cover any loss through default of the treasurer, and the members of any Board failing to take such bond or security from its treasurer shall be jointly and severally liable for his default to the extent of the sum for which such bond should have been taken:

Proviso

Provided that when the majority of the Board refuse or neglect to take such security after demand by a trustee, the

trustee so demanding the security to be taken shall be relieved from all personal liability for such default if his demand is duly recorded in the minutes of the Board.

**127.** It shall be the duty of the treasurer or secretary-treasurer of the Board of every school district,—

Duty of  
treasurer or  
secretary-  
treasurer

- (a) to receive all school moneys payable by way of taxes or otherwise to the district of which he is treasurer and to disburse such moneys in the manner directed by the Board;
- (b) to pay all accounts payable by the district only when they are certified in the manner mentioned in section 124;
- (b1) if the Board so directs, to deposit daily or as often as the Board may direct in some chartered bank designated by the Board all such school moneys received by him and to make all payments on behalf of the district by cheque signed by himself and countersigned by the chairman or such other member of the Board as it may designate and drawn on the bank in which the moneys of the district are so deposited, and any payment so made shall be deemed to have been made in compliance with section 124;
- (c) to keep in a cash-book provided for the purpose a complete and detailed record of all moneys received and disbursed for school purposes, including government grants which may have been paid directly to the teacher;
- (d) to give and take receipts for all moneys received and paid out, and keep on file all vouchers of expenditure;
- (e) to close and balance the books of the district at the end of the school year, which shall be on the thirty-first day of December in each and every year;
- (f) to produce when called for by the trustees, auditor, school inspector or other competent authority all books, vouchers, papers, and money belonging to the district, and to hand over the same to the trustees or any person named by them upon his ceasing to hold office;
- (g) to prepare at the end of each year, and in the manner provided by this Act, a statement of the finances of the district, to be submitted to the annual meeting of the electors and ratepayers;
- (h) to faithfully prepare and duly transmit to the Department such reports and statements with reference to the finances of the district, as may from time to time be required by the Minister and in such form as may be prescribed by the Minister.

Deposition  
of school  
moneys in  
chartered  
bank

Bond to be furnished by treasurer of village or rural school district

**128.**—(1) The treasurer of every school district other than a town district and of every school division shall, upon his appointment, and before entering upon the duties of his office, furnish a bond or covenant of some guarantee company, to be named by the Minister, to secure the due accounting by him for all school moneys and property that come to his hands as such treasurer, which bond shall be in such form and for such amount as may be approved of by the Minister.

Payment of premiums

(2) The Minister shall pay the premiums for such guarantee bond or insurance and deduct the amount thereof annually from the legislative grant to each school district or school division as the case may be.

In case treasurer cannot furnish bond

(3) In every case in which such guarantee company declines for any cause to give such bond or covenant in respect of any treasurer of a school district or school division as the case may be it shall be the duty of the trustees forthwith to appoint another treasurer who can furnish such bond; and the retiring treasurer shall in such case have no right to receive any salary as such beyond the proportionate part of his salary up to the time of such retirement.

Deposit of bond with Department

(4) Every such bond shall be deposited and kept in the Department for the benefit of the school district or school division as the case may be. [1937, c. 40, s. 6.]

#### HALF-YEARLY AND YEARLY RETURNS.

Transmission of half-yearly and yearly returns to Department

**129.**—(1) The Board of every district shall cause to be prepared by the proper officers of the district and transmitted to the Department in such form as the Minister may prescribe, the half-yearly and yearly returns respecting attendance and classification of pupils and the finances of the district.

Penalty for neglect or refusal to transmit returns

(2) In case the Board of any district neglects or refuses to have prepared and transmitted to the Department such half-yearly and yearly returns within thirty days after the close of the half-year or year, as the case may be, such district shall forfeit the sum of ten dollars out of any government grant which may have been earned and to which the district is entitled, for each week that the returns are delayed, and the trustees through whose neglect or refusal such sums have been forfeited shall be jointly and severally responsible for the amount thus lost to the district, which amount may be recovered by action in the District Court of the judicial district in which the school district or any portion thereof is situated, by any person authorized by the Minister to bring such action:

Proviso

Provided, however, that in case it can be shown to the satisfaction of the Minister that any delay in making such returns has been caused by the failure of the auditor of the municipality to audit the books and accounts of any town district as herein provided, the Minister may order that the

amount so forfeited or any part thereof shall be paid by the municipality to the district, and the same shall be payable forthwith.

(3) Every college, school or other educational institution not being a school as defined by this Act shall within thirty days from the thirtieth day of June of each year furnish to the Department in such form as the Minister may prescribe a yearly return giving information with respect to the pupils, teachers, curriculum and equipment of such college, school or educational institution.

Yearly  
return by  
other  
educational  
institutions

(4) The books and accounts of every rural, rural high, village, consolidated district and school division shall be audited in each year prior to the annual meeting by an official auditor in the manner prescribed by the regulations of the Department.

Audit

(5) Unless it is ordered by the Minister to the contrary, the fees payable in respect of any audit shall not exceed,—

Fees for  
audit

- (a) in the case of rural and rural high school districts, the sum of five dollars;
- (b) in the case of village districts or consolidated districts, the sum of ten dollars; and
- (c) in case in the making of an audit of the books and accounts of a consolidated district it is necessary to audit the books and accounts of any district or districts included in the consolidated district, for the audit of the books and accounts of the consolidated district as well as of any district or districts included therein, the sum of fifteen dollars;
- (d) in the case of a school division the sum of forty dollars.

(6) In every town district it shall be the duty of the auditor of the municipality to audit the books and accounts of such district in each year, for which he shall receive no special remuneration out of the funds of the district.

Audit in  
town district

[1933, c. 21, s. 8; 1937, c. 40, s. 7.]

## PART X.

### CONVEYANCE OF SCHOOL CHILDREN.

#### IN CONSOLIDATED DISTRICTS.

**130.**—(1) In addition to all powers, duties and liabilities conferred or imposed by this Act, the Board of Trustees of every consolidated school district shall supply and operate vans or other conveyances for conveying to and from school all pupils residing on any quarter section therein whose nearest boundary is more than one and one-half miles distant in a direct line from the school site of the consolidated district, unless the Minister upon investigation otherwise

Conveyance  
of pupils in a  
consolidated  
district

directs, and, subject to the approval of the Minister, shall determine the routes to be followed, the kind of conveyances to be supplied, and the contracts relating thereto.

When no obligation on Board to provide conveyance

(2) In the interval between the consolidation and the time when school facilities have been provided at the consolidation centre, it shall not be obligatory on the Board to provide conveyance for pupils residing within the limits of a school district in the consolidated district in which a school is being operated, but provision shall be made by the Board for the conveyance of pupils residing in a district within the consolidated district in which there is no school in operation.

Children of isolated families

(3) The Board shall not be required to provide conveyance for the children of isolated families, but shall, subject to the approval of the Minister, make arrangements with the parents or guardians for the conveyance of such children to and from school, or to and from the nearest conveyance route, if the nearest boundary of the quarter section on which they reside is more than two miles distant by the nearest travelled road from the school site, and more than one mile in a direct line from a regular conveyance route, and shall therefor pay a sum not exceeding twenty-five cents a mile per family per day for every mile between the nearest boundary of the quarter section on which the family resides and the school or the conveyance route, and not exceeding one dollar per day to the parents or guardians of any one family:

Proviso

Provided that subject to the approval of the Minister, the Board of a consolidated district which operates conveyances over approved routes may, in lieu of providing conveyance, as herein mentioned, for the children of isolated families, make provision for the attendance of such children, or any of them, at the school in any other suitable manner satisfactory to the parents or guardians, and in making such provision may agree to pay to the parents or guardians a sum of money not exceeding one dollar per day per family.

Pupils residing within two and one-half miles of school

(4) Unless the Minister otherwise directs, it shall not be obligatory on the Board to provide conveyance for any of the pupils of a consolidated school district if none of the pupils thereof reside more than two and one-half miles from the school site, measured by the nearest highway from the nearest boundary of the quarter section or lesser parcel of land upon which a pupil resides; but, subject to the approval of the Minister, the Board of a consolidated district may make provision for the conveyance to and from school of all pupils within the consolidated district.

Daily records

(5) Daily records shall be kept by the principal of a consolidated school showing the days on which each driver of a conveyance was absent or late, and the number of pupils conveyed, and such other information as may be required, in such form as may be prescribed by the Minister.

## FROM ONE DISTRICT TO ANOTHER.

**131.**—(1) The Minister may empower the Board of any district to enter into an agreement with any other Board or Boards for the education of the children of its district upon such terms as may be mutually agreed upon and approved by him, and the Board entering into any such agreement shall have full power and authority to make the necessary levy and assessment under the provisions of *The School Assessment Act* for the purpose of carrying out the terms of the agreement and for providing for the conveyance of children to and from school.

Agreements  
between  
Boards as to  
education  
and  
conveyance  
of children

(2) Any such agreement may be terminated by any Board or party thereto by giving notice on or before the first day of October in any year, and upon such notice being given the agreement shall cease and determine on the last day of the month of December following, unless otherwise ordered by the Minister.

Termination  
of agreement

(3) The Board of Trustees of any district entering into such an agreement shall, unless the Minister otherwise directs, provide conveyance to and from school for those pupils of the district who reside on any quarter section the nearest boundary of which is more than three miles from the school which such pupils have the right to attend:

Scope of  
agreement

Provided, however, that the Board of such district shall not be required to provide conveyance for the children of isolated families, but shall, subject to the approval of the Minister, make arrangements with the parents or guardians for the conveyance of such children upon the same terms as hereinbefore provided in the case of consolidated districts if the nearest boundary of the quarter section on which such children reside is more than three miles from the school which they have the right to attend.

Proviso

(4) Subject to the approval of the Minister, the Board of Trustees may, in lieu of providing conveyance as herein mentioned, make provision for the attendance at the school of the children of the district or any of them, in any other suitable manner, and in making such provision may agree to pay to the parents or guardian a sum of money not exceeding one dollar per day per family. [1932, c. 34, s. 10.]

## WITHIN THE SCHOOL DISTRICT.

**132.**—(1) The Board of any district may make due provision, subject to the regulations of the Department in that behalf, for the proper conveyance of any or of all children resident within the district to and from school, and may provide for the cost of such conveyance in the same manner as is provided for the other expenditures of the district.

Conveyance  
of children  
within  
district

(2) The secretary of every district in which provision is made as aforesaid shall forthwith notify the Minister.

Notification  
of Minister

[1935, c. 44, s. 7.]

Regulations

**133.** The Minister may, subject to the approval of the Lieutenant Governor in Council, make such regulations as are deemed necessary and expedient for the proper conveyance of the children as hereinbefore provided and for the keeping of records as to number of children conveyed, the distance travelled, the cost of conveyance and such other information as may be desired.

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## PART XI.

### SCHOOL SITES.

#### IN TOWN DISTRICTS.

Acquisition of school sites in town district

**134.**—(1) In every town district the Board may from time to time select and acquire such sites for schools as it may deem desirable.

If debenture issued for price ratification thereof to precede purchase

(2) If the purchase price of any site is to be provided by debenture, the Board shall not proceed to acquire such site until the issue of such debenture has been ratified by the proprietary electors.

#### IN OTHER DISTRICTS.

Acquisition of school sites in other districts

**135.**—(1) In every district other than a town district the Board shall acquire a site for a school and may acquire a site for a teacher's residence at such point in each case as may be approved or selected by the Minister, and may from time to time acquire such other or additional sites or additions to previously acquired sites as may be approved by the Minister.

(2) In the case of a school division for the purpose of this section and sections 136 to 138 both inclusive, the expression "the Board" shall mean the divisional board to the exclusion of the boards of the school districts included in the division. [1937, c. 40, s. 8.]

#### POWERS OF COMPULSORY ACQUISITION.

Execution of transfer of site by Minister

**136.**—(1) Upon it being made to appear to the Minister by means of a statutory declaration furnished by a Board and made by an officer of the Board with respect to any site which has been selected and approved pursuant to the last preceding section that the owner of the site, or any other person having an interest therein, and the Board are unable to agree upon the price to be paid for it, or that the whereabouts of the owner cannot, after reasonable enquiry, be ascertained, or that any person having an interest therein has refused or failed to execute any transfer, discharge, release or other assurance necessary to vest the title to the site in the Board, the Minister may execute a transfer of the site to the Board.

(2) The Registrar of Land Titles for the proper land Registration District shall register any transfer by the Minister made pursuant to this section and shall issue a certificate of title in the name of the Board in respect of the land expressed to be transferred, and thereupon the land shall vest in the Board for an estate in fee simple in possession free from all encumbrances except only for rates and taxes.

Order vesting title in Board

(3) The Board shall pay to the owner of the land so transferred, and to all other persons interested therein, compensation, based on the fair actual value of the said land.

Compensation payable

(4) All questions as to the amount of compensation, the manner of payment, the persons to whom it shall be paid and the distribution thereof amongst the persons if more than one entitled thereto shall be submitted to the arbitration of two arbitrators, one of whom shall be appointed by the Board of the district and the other by the owner or other persons having an interest in the said land.

Compensation to be settled by arbitration

(5) All the provisions of *The Arbitration Act* shall apply to any such arbitration. [1933, c. 21, s. 9; 1934, c. 30, s. 7.]

Application of *The Arbitration Act*

**137.**—(1) The Minister may at any time after a site has been selected or approved by him as a school site or a site for a teacher's residence, as the case may be, make an order authorizing the Board to enter upon and take possession of such land; and thereupon the Board shall be entitled to the possession of the said land for school purposes, as against all persons whatsoever except the Crown; and every such order shall have the same force and effect and be enforced by the same persons and in the same way as a writ of possession issued out of the Supreme Court of Alberta.

Order authorizing possession of approved site

(2) The Board shall pay to any person dispossessed of land pursuant to this section compensation, and the questions as to the amount thereof, the persons entitled thereto, and if there be more than one such person, the distribution thereof, shall be submitted to the arbitration of two arbitrators, one of whom shall be appointed by the Minister and the other by the person or persons dispossessed, and all the provisions of *The Arbitration Act* shall apply to such arbitration.

Compensation

**138.** Before any Board takes possession of any land to which it has not acquired title, the secretary shall file in the Land Titles Office for the land registration district in which the land is situated a caveat in accordance with the provisions of *The Land Titles Act*.

Filing of caveat

**139.**—(1) Every contract or agreement for the acquisition of any land by the Board of any town district, shall, in case the purchase price thereof is to be raised by debentures,

Avoidance of agreement for acquisition of land in certain cases



ture be void and of no effect, if the debenture issue is not ratified by the proprietary electors of the district; and any moneys paid thereunder shall thereupon be forthwith repaid to the Board.

(2) Every contract or agreement for the acquisition of any land for the site of a school or a teacher's residence by any district other than a town district, shall be void and of no effect, unless such site has been approved by the Minister; and any moneys paid thereunder shall be forthwith repaid to the Board.

(3) If any Board acquires a site for a school or a teacher's residence in contravention of the provisions of this section, any member who has not voted against the resolution of the Board for such acquisition shall be guilty of an offence and shall be liable on summary conviction or on information laid by the Minister or by any elector of the district to a penalty of not more than one hundred dollars and costs.

#### CONTRACTS FOR SCHOOL BUILDINGS IN RURAL AND VILLAGE DISTRICTS.

Provisions  
as to  
erection of  
school  
building

**140.**—(1) In rural, village and consolidated school districts the trustees shall obtain tenders for the erection of all school buildings required to be erected, and the same shall be built under contract and not by day labour, and no such contract nor any contract for the purchase of any building to be used for school purposes shall be entered into or signed by the trustees or any other person until submitted to and approved by the Minister, and no action shall be maintained or enforced for the price of any school building or materials supplied to construct the same unless the contract therefor is approved and no claim in respect thereof shall be allowed by way of set-off or counterclaim, nor shall such contract have any legal validity whatever unless so approved as aforesaid.

(2) All specialties, bills, notes or accounts stated, given, or made, in whole or in part, for or to secure any such price or materials shall be void, unless the contract under which the same are given or made is approved as aforesaid.

(3) In any case in which the Board of any rural, village or consolidated school district proposes to erect any school buildings and to defray the cost thereof out of the current revenues of the district, the Board may submit to the Minister for his approval a scheme setting out in detail the manner in which it is proposed to provide the materials, supplies and labour requisite for the erection of such school buildings, and upon the scheme being approved by the Minister and adopted by a resolution of the Board, any contracts or engagements made in pursuance of and in conformity to such scheme shall be good and binding upon all parties thereto and shall be good and effectual for all purposes, notwithstanding anything in this Act to the contrary.

[1932, c. 34, s. 11; 1933, c. 21, s. 10; 1937, c. 40, s. 9.]

**141.** Where in the opinion of the Minister it is advisable that a temporary school should be provided in any district, he may authorize the Board to lease premises for such purpose, and to make such repairs or alterations as may be necessary to fit the same for school purposes, or to purchase a tent to be used as a school building, and for the purposes of this Act such tent shall be deemed to be a frame school building.

## PART XII.

### RELATING TO THE CONDUCT OF SCHOOLS.

#### SCHOOL TERMS.

**142.** The school year shall begin on the first day of January and end on the thirty-first day of December and shall be divided into two terms, ending the thirtieth day of June and the thirty-first day of December respectively, the former to be known as the June term, and the latter as the December term.

#### HOURS.

**143.—(1)** School shall be held from nine o'clock to twelve o'clock in the forenoon and from half-past one o'clock to four o'clock in the afternoon, standard time, of every day, not including Saturdays, Sundays, holidays and any day during which the school is lawfully closed pursuant to any provisions of this Act, but the Board may alter or shorten the said school hours upon receiving the permission of the Minister.

(2) A recess of fifteen minutes both in the forenoon and in the afternoon shall be allowed the children attending school.

[1932, c. 34, s. 12.]

#### VACATION AND HOLIDAYS.

**144.—(1)** In every school there shall be not less than eight weeks' vacation during the year.

(2) The summer vacation shall fall between the first day of July and the first day of September and the winter vacation shall extend from the twenty-third day of December to the third day of January:

Provided that the Minister may, on proper representation made to him, allow the Board to keep the school open during the period above mentioned as the time for summer vacation or any part thereof, and allow vacation in lieu thereof at some other time.

(3) All schools shall have as an additional vacation period the four days immediately following Easter Monday:

**Proviso** Provided that in all school districts the Board of Trustees and the teacher may by mutual agreement arrange for the operation of the school during the teaching days of Easter Week, in which case such days shall be regarded as legally authorized teaching days. [1933, c. 21, s. 11.]

**Special holidays** **145.**—(1) New Year's Day, Good Friday, Easter Monday, the twenty-fourth day of May, or when such day falls upon a Sunday, the twenty-fifth day of May (to be known as Victoria Day), Dominion Day, Christmas Day, Thanksgiving Day, Remembrance Day, and any other day proclaimed as a holiday by the Governor General, the Lieutenant Governor of the Province or the mayor of a city or town, shall be holidays.

(2) The Board of any district may declare Ash Wednesday, the birthday or the day fixed by Proclamation for the celebration of the birthday of the reigning sovereign, Labour Day and any day appointed by Proclamation a public holiday for the planting of forest or any other trees, commonly known as Arbour Day, or any of them, to be holidays or a holiday, and no such day shall be a holiday within the meaning of this Act unless the Board has made a declaration to that effect.

**Closing of school on approval** (3) It shall be at the discretion of the Board to permit other holidays, but not to exceed one such day in any month, and not exceeding one day at a time. [1933, c. 21, s. 12.]

**145a.** A Board of Trustees may by resolution close a school for such period as may be approved by the Minister. [1933, c. 21, s. 13.]

#### LANGUAGE TO BE USED.

**English obligatory, French permissible** **146.**—(1) All schools shall be taught in the English language, but it shall be permissible for the Board of any district to cause a primary course to be taught in the French language.

**Tuition in languages other than English** (2) The Board of any district may, subject to the regulations of the Department, employ one or more competent persons to give instruction in any language other than English in the school of the district to all pupils whose parents or guardians have signified a willingness that they should receive the same, but such course of instruction shall not supersede or in any way interfere with the instruction by the teacher in charge of the school as required by the regulations of the Department and by this Act.

**Payment of language instructors** (3) The Board shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors, and all costs, charges and expenses of such course of instruction shall be collected by the Board by a special rate to be imposed upon the parents or guardians of such pupils as take advantage of the same.

## RELIGIOUS INSTRUCTION.

**147.**—(1) Except as hereinafter provided, no religious instruction shall be permitted in the school of any district from the opening of such school until one half-hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the Board may be given.

Religious instruction

(2) It shall, however, be permissible for the Board of any district to direct that the school be opened by the recitation of the Lord's Prayer.

Lord's Prayer

**148.** Any child shall have the privilege of leaving the school room at the time at which religious instruction is commenced as provided for in the next preceding section, or of remaining without taking part in any religious instruction that may be given if the parents or guardians so desire.

Religious instruction not obligatory on pupil

**149.** No teacher, school trustee or inspector shall in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and any such attempt on the part of any teacher, school trustee or inspector shall be held to be a disqualification for and voidance of the office held by him.

Deprivation of child of educational advantages by officials cause of disqualification

## KINDERGARTEN CLASSES.

**150.** Kindergarten classes may be established in any school for the teaching and training of children between the ages of four and six years according to kindergarten methods and in such school a fee may be charged, not exceeding one dollar per month for each pupil, to cover the cost of maintaining such classes.

Kindergarten classes

## NIGHT CLASSES.

**151.**—(1) The Board of any district may engage a teacher of approved qualifications, and make the necessary arrangements at the expense of the district, for the maintenance of a night school.

Maintenance of night school

(2) If an inspector of schools has recommended the establishment of a night school in any district and the Board thereof has failed to establish the same, the Minister may direct the Board of such district to open and maintain a night school therein for such period as the Minister may determine.

Obligatory recommendation of inspector

(3) If the night school is kept open for at least one month, a fee not exceeding two dollars per month may be charged for each month or portion of a month that a pupil is in attendance:

Fees

Provided that any district maintaining a technical school or special classes in technical, commercial, art, or other higher training may charge such fees for night classes as may be approved by the Minister.

Proviso

## COMPULSORY EDUCATION.

Closing  
of school  
prohibited

**152.** No Board of Trustees shall have authority to close the school for any cause, other than as herein provided.  
[1933, c. 21, s. 14.]

Report of  
closing of  
schools to  
Department

**153.** If for any cause other than that of statutory vacations or holidays the Board of Trustees of any rural or village district closes its school for a period exceeding three days, it shall be the duty of such Board through its secretary to report such closing to the Department within five days, giving a full statement of the reasons therefor; and it shall also be the duty of the Board through its secretary to report to the Department within five days after the re-opening of the school at the commencement of each term, and also after the re-opening of the school if it has for any cause been closed for more than three days.

## PART XIII.

## RELATING TO THE TEACHER.

## QUALIFICATION.

Necessity for  
certificate  
of qualifica-  
tion

**154.—**(1) No person shall be engaged, appointed, employed or retained as teacher in any school unless he holds a valid certificate of qualification issued under the regulations of the Minister, which certificate shall not be issued to any person who is not a British subject, unless such person is on the sixteenth day of April, 1934, a *bona fide* enrolled student at an Alberta Normal School.

(2) No person who is not so qualified shall be entitled to recover in any court of law any remuneration for his services as teacher.

(3) Any person other than the holder of such certificate of qualification, who undertakes to conduct a school as teacher, shall be guilty of an offence and on summary conviction liable to a penalty not exceeding fifty dollars, and in default to imprisonment for a term not exceeding one month.

(4) Any Board which knowingly engages, appoints, employs, or retains as teacher in its school any person other than the holder of such certificate shall be liable on summary conviction to a penalty not exceeding fifty dollars:

Provided, however, that no prosecution shall be instituted under this section except with the consent of the Minister.  
[1934, c. 30, s. 8; 1936, c. 85, s. 11.]

## ENGAGEMENT AND CONTRACT.

Resolution  
of Board  
requisite for  
engagement  
of teacher

**155.** A teacher shall not be engaged except under the authority of a resolution of the Board passed at a regular or special meeting of the Board:

Provided always that in case the chairman or secretary sends any communication in writing to an applicant for engagement as a teacher by the Board, to the effect that the Board has decided to engage such applicant, and if the applicant delivers or causes to be delivered to the chairman or secretary of the Board a communication in writing to the effect that the applicant accepts such engagement, either by actual delivery or by mail or by telegraph, not later than the fifth day after the day upon which the communication from the chairman or secretary was mailed or otherwise dispatched, the Board and the applicant shall be thereupon under a legal obligation to enter into a contract in the standard form, subject only to such variation as may be approved by the Minister; otherwise such communications shall not be effective to create any contract whatsoever between the Board and the applicant.

**156.**—(1) The contract of employment shall contain such agreements, terms, conditions and restrictions as may be approved by the Minister, who may prescribe a standard form of contract. Contract of employment

(2) In the event of any alteration or amendment of the standard form being made without the approval of the Minister, the standard form shall have effect as if such alteration or amendment had not been made. Alteration in form

(3) The contract including any presently existing contract shall, except in the case of substitute teachers and subject to the following provisions, continue in force from year to year unless and until the certificate of the teacher shall have been revoked. Contract to be continuous

(4) There shall be no provision in any teacher's contract of engagement requiring the teacher to perform janitor or other services or duties other than those set forth in section 165 of this Act (Duties of Teachers); neither shall any board of trustees be empowered or have any authority whatsoever to require any teacher to perform any such other duties or services. [1937, c. 43, ss. 2 and 3.]

**157.**—(1) Subject to the conditions hereinafter set out in this section, either party thereto may terminate the agreement of engagement between the teacher and the Board by giving thirty days' notice in writing to the other party of his or its intention so to do: Termination of agreement

Provided always:

- (a) that no notice to terminate a contract which takes effect in any month except in the month of July shall be given by a Board without the approval of the Minister previously obtained:

Provided that any notice to terminate a contract which takes effect in the month of July shall be given to the teacher on or before the twentieth day of June;

- (b) that no notice to terminate a contract which takes effect in any month except the months of July and August shall be given by a teacher without the approval of the Minister previously obtained;
- (c) that any such notice may be given either by delivering the same to the person to whom it is addressed or sending the same in a duly addressed and prepaid cover by registered mail, and in the latter case the notice shall be deemed to have been given upon the day on which it is mailed;
- (d) that a teacher may notify the secretary of a post office address to which any notices may be sent, and in that event, all notices shall be sent to that address, but if no such address is furnished to the secretary, any notice sent by mail shall be deemed to have been duly addressed if addressed to the teacher at the last known post office address of such teacher.

(1a) Where notice to terminate an agreement is given by the Board to take effect in the month of July, the notice may be given in Form H of the schedule hereto and any notice given in such form shall be a good and sufficient notice to terminate the agreement.

(2) This section shall not apply to any contract of engagement between a board and a teacher entered into before the first day of June, 1931, and from which clause six has not been deleted. [1932, c. 34, s. 14; 1933, c. 21, s. 15; 1937, c. 40, s. 10; 1937, c. 43, ss. 4, 5 and 6.]

**157a.** With the approval of the Lieutenant Governor in Council the Minister by notice in writing to the teacher and the Board given in the manner prescribed in clause (c) of subsection (1) of section 157, may at any time summarily terminate the contract of any teacher and any such termination shall be final and conclusive and shall be binding upon the Board and the teacher. [1937, c. 43, s. 7.]

Execution  
of contract

**158.** The contract shall be signed by the teacher and by the chairman or by any member of the Board who is authorized by a resolution of the Board to sign the contract on behalf of the Board. [1937, c. 40, s. 11.]

#### SUSPENSION AND DISMISSAL.

Suspension  
and dis-  
missal of  
teacher

**159.**—(1) Any teacher may be suspended or dismissed summarily for gross misconduct, neglect of duty, or for refusal or neglect to obey any lawful order of the Board, which shall thereupon transmit a written statement of the facts to the Minister.

Appeal to  
the Minister

(2) Any teacher who has been suspended or dismissed summarily by the Board, in pursuance of the preceding subsection, may within fifteen days, appeal to the Minister, who

may take evidence and confirm or reverse the decision of the Board and in the case of a reversal he may order the reinstatement of such teacher.

## BOARD OF REFERENCE.

**160.**—(1) There shall be constituted a Board to be known as the Board of Reference to serve as a board of conciliation or as a board of arbitration, as the case may be, consisting of not more than three members appointed by the Lieutenant Governor in Council. Board of Reference

(2) When any dispute or disagreement arises between a school board and its teacher or teachers, either party to the dispute or disagreement may make application to the Minister to refer such dispute to the Board of Reference. Application to refer dispute to Board

(3) (a) Every such application shall be in writing and shall set forth a full and complete statement of the nature of the complaint or dispute which shall be verified by statutory declaration on the part of the party or parties making such application. Contents of application

(b) Upon every such application there shall be payable a fee of twenty-five dollars which may be returned on recommendation of the Board of Reference. Fee

(c) The application shall be sent by registered mail to the Minister within ten days after the date upon which the dispute or disagreement shall have arisen. Time for sending application

(d) The party making such application shall, at the time of making application to the Minister, send to the other party to the dispute or disagreement a notice in writing to the effect that an application has been made to the Minister in pursuance of this section. Notice of application to other party

(4) As soon as any such application shall have been duly made, the Minister shall refer the dispute or disagreement in question to the Board of Reference which shall, after such investigation as it deems necessary, proceed to determine the same, and shall deliver a report setting out the determination made of the matter to the Minister who shall transmit a copy thereof to the several parties to the dispute or disagreement. Reference of dispute to Board

(5) Upon any application being made to the Minister as to any dispute or disagreement with respect to the termination or cancellation of an agreement between a school board and a teacher, such termination or cancellation shall not take effect until the Minister shall have transmitted a copy of the report of the Board of Reference as to the determination made thereof to the several parties to the dispute or disagreement. Disputes as to termination or cancellation of agreement

(6) Where the dispute or disagreement between a Board of Trustees and a teacher is with reference to the termination of any agreement, if the Board of Reference is satisfied that the Board of Trustees in terminating the agreement did not act as reasonable persons should act in the discharge Rules as to disposition of disputes as to termination of agreements by Board of Reference

*not later than July 10th next.*

*Amend 1938*



of their duties as trustees, and that the agreement was not terminated because of the misconduct or inefficiency of the teacher, or by reason of anything in the mode of life, character or disposition of the teacher of a nature calculated to make the retention of the teacher detrimental to the proper and efficient conduct of the school for which the trustees are responsible, or by reason of the financial necessities or circumstances of the district, or for the reason that the termination of the agreement is conducive to the general welfare of the district and the betterment of the educational facilities therein, the Board of Reference shall disallow the action of the Board of Trustees, otherwise it shall confirm the said action, and upon the delivery by the Board of Reference of its findings to the Minister, those findings shall be binding and conclusive upon the Board of Trustees and the teacher.

Remuneration of Board members

(7) The members of the Board of Reference shall receive such remuneration as the Lieutenant Governor in Council may, from time to time, determine.

Compellability of witnesses

(8) The Board of Reference may, for the purpose of procuring the attendance of any person as a witness before such Board, serve such person with a notice requiring him to attend before the Board, which notice shall be served in the same way and have the same effect as a notice requiring the attendance of a witness, and the production by him of documents at the hearing or trial of an action, but no such person shall be compelled under any such notice to produce any document which he could not be compelled to produce on the trial of an action.

[1934, c. 30, s. 9; 1935, c. 44, s. 8; 1937, c. 43, s. 8.]

*90" - New* PAYMENT OF TEACHERS.

Salary of teacher

**161.**—(1) The salary of a teacher shall be expressed in the agreement as an annual sum; or as being at a monthly rate, and in the latter case the annual salary shall be deemed to be a sum equal to twelve times the monthly rate.

Minimum salary

(2) Notwithstanding any agreement to the contrary, every teacher shall be paid a minimum salary of seventy dollars per month or eight hundred and forty dollars per year:

Proviso

*amended New 1938* Provided that upon an inspector of schools certifying, after investigation, that in his opinion it would be a hardship on the district to pay such salary, the Minister may authorize engagement at a smaller salary.

Periods of payment

(3) Every teacher shall be paid his annual salary in ten or twelve equal monthly instalments due on the last day of each month, and it shall be the duty of the Board liable for the payment of salary to make due provision for such payment.

*Struck out* (4) The operation of the proviso to subsection (2) hereof shall be suspended until the first day of July, 1938, and until the said date the following shall be substituted therefor:

Provided that upon the request of a Board the Minister may authorize engagement at a smaller salary.

(5) Any agreement, arrangement or device which has the effect of reducing the salary of a teacher to an amount less than the minimum salary as fixed by this section or authorized by the Minister shall be null and void.

[1932, c. 34, s. 16; 1933, c. 21, s. 16; 1934, c. 30, s. 10; 1936, c. 85, s. 12.]

**162.**—(1) Every teacher teaching upon all the days in a year, or two consecutive terms, upon which his school should be in operation under the provisions of this Act shall receive his full annual salary or at his option a salary computed in accordance with the provisions of subsection (2). Computation  
of salary

(2) In the event of any teacher being engaged, or being in the employ of a Board for a less period than a year, or two consecutive terms, or not teaching upon all the days in a year upon which his school should be in operation, he shall receive one two-hundredth part of his annual salary for each day comprised in the following enumeration:

- (a) Days during which the school is lawfully in operation under his charge or would be in such operation save for an order of the Board to the contrary not being an order made pursuant to section 145*a* of this Act;
- (b) Days other than those within a vacation period upon which he is necessarily absent from his school in order to attend any teachers' convention or institute or school fair or musical festival approved by the Minister;
- (c) Days during which his school is closed by order of a duly qualified medical practitioner, or by the Board on account of the existence within the district of an actual or threatened epidemic of disease, but not exceeding in all thirty days in the year;
- (d) Holidays permitted by the Board in pursuance of section 145, subsection (3), of this Act;
- (e) Days upon which the school is closed by law for the purpose of holding any election;
- (f) Days for which the teacher is entitled to salary in accordance with the provisions of section 163 of this Act;
- (g) Days proclaimed as holidays by order of the Governor General in Council or the Lieutenant Governor in Council or by the mayor of a city or the council of a town or village.

[1933, c. 21, s. 17; 1936, c. 85, s. 13; 1937, c. 40, s. 12.]

**163.** Every teacher in case of disability, sickness or accident which the Board may require to be certified to by a qualified medical practitioner, or in the case of an inflammatory condition of the teeth or gums by a qualified Salary during  
disability

dental practitioner, shall be entitled, at the termination of his engagement, or if engaged under a continuous agreement, at the end of each year's service, to his salary during such disability for a period not exceeding twenty teaching days for the entire year, and in case of an engagement for a shorter term than one year, for a period bearing the same proportion to twenty that the term of engagement bears to a year; but the Board may at its discretion allow a salary in case of disability from sickness or accident for a greater number of days than that provided herein.

Rights of  
teacher upon  
termination  
of agreement

**164.** A teacher whose agreement with a Board has expired or has been terminated, or who has been dismissed summarily by the Board shall be entitled to receive forthwith all moneys due him for his services as teacher while employed by the said Board; and if such payment be not made by the Board or tendered to the teacher, he shall be entitled to recover the full amount of his salary due and unpaid with interest at the rate of 8% per annum in any court of competent jurisdiction.

#### DUTIES OF TEACHERS.

Duties of  
teachers

**165.** It shall be the duty of every teacher,—

- (a) to teach diligently and faithfully all the subjects required to be taught by the regulations of the Department;
- (b) to maintain proper order and discipline and to conduct and manage the school according to the regulations of the Department;
- (c) to keep in a conspicuous place in the school room a time-table which shall show the classification of pupils, the subjects taught each day in the week, the length of each recitation period and the seat work given; and to submit such time-table to the inspector for his approval and signature on the occasion of his visit to the school;
- (d) to keep in the prescribed form the school registers and to give access to them to trustees, officers of the Board, inspectors and any other person authorized by the Minister;
- (e) to make at the end of each term or at any other time such promotions from one grade to another as he may deem expedient subject to the ratification of the inspector at his next visit;
- (f) to admit to his class room for the purpose of observation and practice teaching pupils enrolled in the normal schools, and to render such assistance to the students and instructors of such schools as the instructors may consider necessary for the proper training of the students;

- (g) to send monthly to the parents or guardians of each pupil, if required by the Board, a report on the pupil's attendance, conduct and progress;
- (h) to encourage the observance of Arbour Day by holding suitable exercises, to take an interest in the cleanliness and tidiness of the school grounds and to secure the co-operation of trustees and parents in planting trees and shrubs about the school;
- (i) to give strict attention to the proper heating, ventilation and cleanliness of the school-house and to the condition of the out-houses in connection with the same, and to report to the Board any defect with respect thereto;
- (j) to report to the secretary of the Board any necessary repairs to the school buildings or furniture and any required supply of fuel, drinking water, furniture or equipment;
- (k) to exercise vigilance over the school property, the buildings, fences, furniture and apparatus, so that they may not receive unnecessary injury and to give prompt notice in writing to the Board of any such injury;
- (l) to notify the chairman of the Board whenever he has reason to believe that any pupil attending school is affected with or has been exposed to smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, trachoma or other infectious or contagious disease, and to prevent the attendance of any pupil so affected or exposed or suspected of being affected or exposed until furnished with the written statement of a physician or the chairman of the Board that such contagious or infectious disease does not exist or that the pupil has not been exposed or that all danger from exposure to any of them has passed away;
- (m) to assist the Board and its officers in making the prescribed returns to the Department;
- (n) to furnish to the Minister, the inspector of schools, the Board, or any person authorized by the Minister, any information which it may be in his power to give respecting anything connected with the operation of the school or in any wise affecting its interests or character;
- (o) to deliver up the school registers, school-house key or any other property of the district in his possession when required to do so by a written order of the Board;
- (p) to attend all meetings of the teachers called by the principal where more than one teacher is employed.

**166.** Every teacher shall have power to suspend from school any pupil guilty of open opposition to authority, habitual neglect of duty, the use of profane or improper

Suspension  
of pupils by  
teacher

language, or other conduct injurious to the moral tone or well-being of the school, and the teacher shall forthwith report in writing, with a complete statement of the circumstances, the fact of such suspension to the Board of the district; and thereupon the Board shall take such action as it may deem necessary with regard thereto.

[1936, c. 85, s. 14.]

#### DUTIES OF PRINCIPAL.

"The principal" and "assistants"

**167.** In every school in which more teachers than one are employed, the head teacher shall be called "the principal" and the other teachers "assistants."

Duties of principal

**168.** Subject to the approval of the Board, the principal shall prescribe the duties of the assistants and shall be responsible for the organization and general discipline of the whole school.

#### TEACHERS' ASSOCIATIONS.

Organization of associations

**169.** Any number of teachers may organize themselves into an association, and, subject to the regulations of the Department, may hold conventions and institutes for the purposes of receiving instruction in and discussing educational matters.

### PART XIV.

#### BORROWING POWERS OF THE DISTRICT.

##### TEMPORARY.

Borrowing powers of boards

**170.—**(1) The Board of,—

(a) any village district; or

(b) any district which is empowered by the Minister under *The School Assessment Act* to make an assessment and levy taxes in respect of its whole area; or

(c) any consolidated district; or

(d) any rural district outside of a municipal district,— may, by resolution or by-law, authorize its chairman and treasurer to borrow from any person, bank or corporation such sums as the Board deems necessary to meet the expenditure of the district until such time as the taxes for the current year are available, and the amount so borrowed shall be a charge upon the taxes due to the district, and may be secured by the promissory note or notes of the chairman and treasurer, given on behalf of the Board.

(2) The Board of any rural district, a portion of which is outside a municipal district, may borrow as herein provided on the security of the taxes on such portion.

[1932, c. 34, s. 17.]

**171.**—(1) The Board of a town district, rural high school district or rural district situate wholly or in part within a municipal district may, by resolution or by-law, on receiving the written consent of the Minister, borrow from any person, bank or corporation such sums as the Board may deem necessary, and the Minister may approve.

Borrowing powers of certain districts

(2) The amount so borrowed may be made a charge on the moneys due to such school district, and such sum may be secured by the promissory note or notes of the chairman and treasurer, given on behalf of the Board, or by such form of assignment or covenant as may be fixed by such resolution or by-law.

[1932, c. 34, s. 18.]

**172.** The Board of a town district may, by resolution or by-law, borrow from any source such sums as the Board deems necessary and may hypothecate as security for the said sums any debenture or debentures which have been duly registered and countersigned as required by this Act.

Borrowing powers of boards of town districts

#### BY DEBENTURE.

**173.**—(1) Should it appear desirable to the Board of any district that a sum of money should be borrowed upon the security of the district for securing, purchasing, adding to, extending or improving a school site or sites or a site for a teacher's house or for securing a water supply or for purchasing, repairing, moving, erecting, furnishing or adding to any school building or teacher's house and in the case of a consolidated school district for the additional purpose of purchasing conveyances, or for all or any of the said purposes, it shall pass a by-law to that effect, which may be in form prescribed by the Minister or to the like effect, and which shall be under the corporate seal of the district.

By-law for debenture to raise cost of school sites, buildings, etc.

(2) A copy of every such by-law shall be inscribed in the minute book containing a record of the Board's proceedings.

Inscription of by-law in minute book

(3) No expenditure for any of the purposes set out in this section, to meet which it is proposed to borrow money by way of debenture, shall be made until such borrowing has been authorized by the Board of Public Utility Commissioners.

Expenditures prohibited until borrowing authorized

(4) Any contract or agreement made by the Board for the sale, transfer or hypothecation of any debentures or any interest therein, made before the Board of Trustees has been authorized to borrow the money, represented by such debentures as hereinafter provided, shall be null and void.

Avoidance of dealings with unauthorized debentures

**174.**—(1) Within five days after the passing of the by-law the Board shall give notice of its intention to apply to the Board of Public Utility Commissioners for authority to borrow the amount specified in the by-law and on the conditions therein set forth.

Notice of intention to apply for authority

Form and  
posting of  
notices

(2) Every such notice shall be in the form prescribed by the Board of Public Utility Commissioners and shall be given by notices posted up in at least five widely separated and conspicuous places in the district, one of which shall be a post office situated therein, but should there be no post office in the district the notice shall be posted in the post office nearest thereto.

Publication  
of notice

(3) In the case of a town school district, or in the case of a rural high school district containing a town, a copy of the notice provided for in the preceding subsection shall be printed in at least three issues of a newspaper or newspapers published within the limits of the school district, and if there be no newspaper published within the school district, then in the newspaper whose place of publication is nearest thereto.

Demand  
for poll

**175.**—(1) A poll of the proprietary electors for and against the by-law may be demanded within fifteen days after the date of the posting of the notices in the next preceding section mentioned, by a demand in writing signed by twenty proprietary electors of the district in a town district, consolidated district or rural high school district, ten in a village district, or four in a rural district, and such poll shall be held as hereinafter provided:

Proviso

Provided that no poll shall be demanded if the amount to be borrowed is for the purpose of providing a first school-house for the district and does not exceed two thousand dollars; or is for the purpose of erecting a first school-house for a consolidated district and does not exceed five thousand dollars.

(2) Every demand for a poll shall be delivered to the secretary, or, in his absence, to the chairman of the Board, and a certified copy of the demand shall be forthwith transmitted to the Board of Public Utility Commissioners.

Procedure  
where poll  
not de-  
manded

**176.**—(1) In the event of a poll not being required or not being demanded as hereinbefore provided, the secretary of the Board shall transmit to the Board of Public Utility Commissioners,—

- (a) a certified copy of the by-law;
- (b) a certified copy of the notice of intention to apply for authority to borrow, and a statutory declaration proving the posting of copies thereof;
- (c) such other information as the Board of Public Utility Commissioners may require.

(2) Upon receipt thereof and upon being satisfied that the several conditions required by this Act have been substantially complied with, the Board of Public Utility Commissioners may in writing authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum.

**177.**—(1) In the event of a poll being demanded in a district other than a town school district, the Board shall by resolution fix the time and place for holding the same and shall give notice in the form prescribed by the Board of Public Utility Commissioners, or to the like effect, of such time and place of polling by notices posted up in at least five widely separated and conspicuous places throughout the district at least fourteen clear days before the polling, one of which notices shall be posted in the post office situated within the district, but should there be no such post office the notice shall be posted in the post office nearest thereto.

Procedure where poll demanded other than in a town school district

(2) In the event of a poll being demanded in a town school district situated wholly or partly within the limits of a town or city, the council of the town or city shall on receipt of a notice from the secretary-treasurer of the school district that a poll has been demanded, as herein provided, forthwith submit the proposed by-law to the proprietary electors of the school district, and all the provisions of *The Town Act* or special Act, as the case may be, governing the taking of votes on money by-laws, including the procedure for questioning the validity of such by-laws, shall *mutatis mutandis* apply to the said by-law.

In a town school district

(3) After the period provided in *The Town Act* or special Act has elapsed, then if the by-law has not been quashed the town or city clerk shall notify the School Board that such by-law is in force and effect, and the secretary or secretary-treasurer of the School Board shall thereupon forward to the Board of Public Utility Commissioners a copy of such by-law as passed.

Notification of force and effect of by-law

(4) Notwithstanding any provisions in *The Town Act* or special Act, it shall be sufficient if such proposed by-law receives a majority vote of the proprietary electors voting on such by-law.

Majority vote of proprietary electors sufficient

(5) For the purpose of the submission of such by-law the said council shall have the same authority and jurisdiction for taking the votes of the proprietary electors of the school district in that portion of the school district lying outside the limits of the city or town, as the case may be, as it has for taking the vote of the proprietary electors within those limits.

Extra-municipal powers of Council on submission of by-law

**178.** A certified copy of the by-law and of the notice of polling shall be forwarded forthwith to the Board of Public Utility Commissioners by the secretary of the Board.

Transmission of documents to Board of Public Utility Commissioners

**179.** The chairman of the Board or some person appointed by it shall be returning officer for the poll to be taken and the secretary of the Board or some person appointed by the returning officer shall be poll clerk.

Returning officer and poll clerk



- Recording votes**      **180.** At the time and place appointed in the notice the returning officer shall declare the poll open and the poll clerk shall record the votes as they are given, in a poll book, which may be in Form E in the schedule to this Act.
- Posting copy of notice of polling**      **181.** A copy of the notice of polling shall be kept in a conspicuous place where the vote is taken.
- Persons entitled to vote**      **182.** Every proprietary elector, except the returning officer, shall be entitled to vote on the by-law.
- Scrutineers**      **183.** The returning officer shall admit any two proprietary electors, one of whom has voted for and the other against the by-law, into the polling place to act as scrutineers, and on demand shall allow either or both of them to see any vote recorded in the poll book.
- Declaration by voter**      **184.—(1)** The returning officer shall if requested by any proprietary elector, or may of his own accord, require any person tendering a vote to subscribe to the declaration in Form F in the schedule to this Act and any person subscribing to such declaration shall be permitted to vote.
- Witnesses**      **(2)** Every such declaration shall be subscribed in the presence of the returning officer and poll clerk, who shall subscribe their names as witnesses thereof.
- Retention of declarations**      **(3)** All declarations made under the provisions of the next preceding subsection shall be retained by the returning officer.
- Refusal to declare**      **185.** If a person who desires to vote refuses or fails to sign the declaration when required so to do, the poll clerk shall write in the column headed "Remarks", in the poll book, the words "Refused declaration", and the person so refusing shall at once leave the polling place and shall not be allowed to enter again or to vote.
- Penalty for false declaration**      **186.** Any person subscribing a declaration in Form F of the schedule hereto, containing any false statement, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding ten dollars.
- Close of poll**      **187.—(1)** At the time appointed in the notice of voting the returning officer shall close the poll, sum up the votes and declare the results.
- Casting vote**      **(2)** In the case of a tie, the returning officer shall give a casting vote.
- Complaint as to conduct of poll**      **188.** Should any proprietary elector of the district make a complaint in writing to the returning officer within three days next after the taking of the poll with regard to the manner in which the poll was conducted, the right of any person to vote, or the result of the voting, the returning officer shall forthwith notify such proprietary elector in

writing of the time and place, within seven days of the day of voting, when he shall appear before a justice of the peace for a final recount of votes, and when all complaints which may have been made shall be heard.

**189.** In case no such complaint is duly lodged with the returning officer, he shall at the expiration of three days after the taking of the poll forthwith forward to the Board of Public Utility Commissioners a certified copy of the poll book showing the total number of votes cast for and against the by-law, and he shall make an affidavit, which shall be inscribed thereon, that the poll was conducted throughout in the manner provided by this Act or with such exception as he shall mention, that the returns therein contained are correct, and that no complaints as provided for by the next preceding section were received by him.

Return by  
returning  
officer

**190.—(1)** In the event of any complaint being made as aforesaid the returning officer shall appear before a justice of the peace at the time and place appointed, and he shall deliver to the justice of the peace the poll book used by him at the poll and shall make an affidavit before the justice of the peace, which shall be written in or upon such book, that the election has been conducted throughout in the manner provided by this Act or with such exception as he shall mention, and that the returns therein contained are correct.

Procedure  
in case of  
complaint

**(2)** The justice of the peace shall then receive and record in writing any complaint that may be made under oath by any person relative to the conduct of the voting and shall examine into and decide such complaints by taking evidence under oath.

Hearing of  
complaint

**191.** Before proceeding to the hearing of any complaint the justice of the peace shall require the complainant to deposit with him such sum, not being less than twenty-five dollars nor more than one hundred dollars, as may seem necessary to him to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such justice of the peace.

Deposit by  
complainant

**192.—(1)** If it be found that the proceedings in taking the vote have been irregular in any essential particular and that injustice has thereby been done, the poll shall be declared null and void and of no effect, and the justice shall forthwith forward to the Department a full report to that effect.

Nullity of  
poll in case of  
irregularities

**(2)** If it be found that any vote has been cast by any person not duly qualified to vote, or as a result of bribery or intimidation, it shall be struck off the poll book.

Striking off  
votes because  
of bribery,  
etc.

**193.** In case the poll has not been declared null and void, when all complaints have been heard and decided upon and the necessary alterations duly made in the poll book, the justice of the peace shall finally sum up the votes cast and

Determina-  
tion where  
no declara-  
tion of  
nullity and  
report of  
result of poll

shall forward to the Board of Public Utility Commissioners a return in Form G in the schedule hereto or to the like effect, showing the total number of votes taken and the number remaining on each side after the recount.

Authoriza-  
tion of  
borrowing  
approved by  
by-law

**194.**—(1) Upon receipt of the documents required to be forwarded to it, and upon being satisfied that the by-law has been approved by the voters and that the several conditions required by this Act have been complied with, the Board of Public Utility Commissioners may in writing authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum, and shall as soon as may be thereafter cause notice of the authorization of such loan to be published in one issue of *The Alberta Gazette*.

Authoriza-  
tion of  
borrowing  
upon certifi-  
cate of chief  
inspector of  
schools

(2) Notwithstanding that a majority of the proprietary electors voting upon any referred by-law may have voted against the same, the Board of Public Utility Commissioners may, upon the certificate of the chief inspector of schools certifying that further school accommodation or equipment is urgently required for the purpose of maintaining an efficient school or schools in the district, in writing, authorize the Board of Trustees to borrow the sum or sums of money mentioned in the by-law or a less sum.

Issue of  
debentures

(3) The Board may thereupon issue a debenture or debentures to secure the amount of the principal and interest of the loan so authorized or of any less sum, upon the terms specified in the by-law, and the debenture or debentures and the coupons thereto shall, when they are signed by the chairman and treasurer of the district and when the said debenture or debentures are countersigned by the Minister, be effective to bind the district and create a charge upon all school property and all property assessable for school purposes in the district.

Signatures  
on coupons

(4) The signatures on the coupons may be engraved or lithographed, in which case the coupons shall be deemed to be signed within the meaning of this section.

Term of  
debentures

(5) Debentures shall not run for a longer term than twenty years if the school buildings are built of brick, brick and terra cotta hollow tile, concrete or stone, nor for a longer period than fifteen years if built of frame or brick veneer, or ten years if built of logs:

Proviso

Provided that in the event of the first instalment of principal and interest of any debenture being made payable at any time after one year from the date of the debenture such debenture may run for twenty, fifteen or ten years, as the case may be, from the date of the payment of the first instalment of principal and interest:

Provided further that in the case of town or consolidated or rural high school districts the debentures thereof may be made to run for a term not exceeding thirty years if the

school buildings are of solid brick, concrete or stone, and for a term not exceeding twenty-five years if built of brick and terra cotta hollow tile:

Provided further that in the case of a town or consolidated or rural high school district, debentures issued for the purpose of purchasing a school site or sites may be made to run for a period not exceeding forty years:

Provided further that in the case of a school district within which an incorporated city is in whole or in part situated, debentures for school buildings or school sites may be made to run for a term not exceeding fifty years if the school buildings are of solid brick, concrete or stone.

**195.** Debentures shall not carry interest at a greater rate than eight per cent per annum. Interest on debentures

**196.** Debentures may be made payable in lawful money of Canada, or, if deemed advisable, in gold or its equivalent in lawful money of Canada or of Great Britain at any bank or banks, place or places, to be named in Canada or Great Britain or the United States of America, and may provide for the payment of interest either yearly or half-yearly, and may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in *The Alberta Gazette*, and the first instalment of principal and interest may be made payable at any time within eighteen months of the date of the debenture. Method of payment and date of debentures

**197.**—(1) Save as herein otherwise provided, debentures shall be in one of the forms of this section or to the like effect: Form of debenture

\$. . . . . Debenture No. . . . .

School District No. . . . . of the Province of Alberta.

The Board of Trustees (or Official Trustee, as the case may be) of . . . . . School District No. . . . . of the Province of Alberta, promises to pay the bearer at the . . . . . at . . . . . the sum of . . . . . dollars of lawful money of Canada in . . . . . equal consecutive annual instalments, with interest at the rate of . . . . . per cent per annum on the terms and in the amounts specified in the coupons attached hereto.

Dated this . . . . . day of . . . . . A.D. 19 . . . . .

Countersigned, A.B.,  
Chairman,  
C.D.,  
Treasurer (or, Official Trustee).  
 . . . . .  
 Minister of Education.

#### COUPONS.

Coupon No. . . . . Debenture No. . . . .

The Board of Trustees of . . . . . School District No. . . . . of the Province of Alberta (or Official Trustee,

as the case may be), will pay to the bearer at the.....  
 at.....on the.....day of.....  
 19....., the sum of.....dollars, being the  
 amount of the.....instalment of principal and the  
 total interest at the rate of.....per cent per annum due  
 on that day on School Debenture No.....

A.B.,  
 Chairman,  
 C.D.,  
 Treasurer (or, Official Trustee).

(2) In the case of an issue of debentures amounting to at least two thousand dollars, the Board may in its discretion issue serial debentures the coupons of which provide for the payment of interest only, and there shall be sufficient consecutively numbered coupons to cover the instalments of interest payable on each debenture in each of the years during which the respective serial debentures run, and the amount of the principal sum payable in any year shall be the same as the amount of such principal sum payable in any other year during the debenture period; and such debenture shall be in the following form or to the like effect:

PROVINCE OF ALBERTA.

\$..... Debenture No.....  
 Canadian Currency.

The.....School District No.....  
 of the Province of Alberta.

The Board of Trustees (or Official Trustee, as the case may be) of the.....School District No.....  
 of the Province of Alberta, promises to pay to the bearer at the.....at.....the sum of  
 .....dollars of lawful money of Canada  
 on the.....day of....., 19.....,  
 with interest at the rate of.....per cent per annum on the  
 terms and in the amounts specified in the coupons attached  
 hereto.

Dated this.....day of.....A.D. 19.....

.....  
 Chairman.

.....  
 Treasurer.

Countersigned....., 19.....

.....  
 Minister of Education.

COUPONS.

Coupon No..... Debenture No.....

The Board of Trustees (or Official Trustee, as the case may be) of the.....School District  
 No.....of the Province of Alberta, will pay to the  
 bearer at the.....at.....on the  
 .....day of.....19....., the sum of  
 \$....., being the half-yearly (or yearly, as the

*case may be*) interest at the rate of.....per cent per annum due on that day on School Debenture No.....

.....  
*Chairman.*

.....  
*Treasurer.*

(3) The Board of a school district, within the limits of which an incorporated city is in whole or in part situated, on complying with the provisions of this Act, when the amount to be borrowed exceeds the sum of twenty thousand dollars, may in its discretion issue debentures repayable in yearly sums which shall be of such amount that the total amount payable for principal and interest in any year shall be equal as nearly as possible to the amount payable for principal and interest in each of the other years during which the debentures are to run, and the by-law authorizing the issue of said debentures shall state the specific sum to be paid each year for principal and interest, and separate debentures without coupons, each of which shall be numbered consecutively, shall be issued, each for the total amount payable each year for principal and interest. The said debentures may be in the following form or to the like effect:

DOMINION OF CANADA.

PROVINCE OF ALBERTA.

\$..... Debenture No.....  
 The.....School District No.....  
 of the Province of Alberta.

The Board of Trustees of the.....School District No.....of the Province of Alberta, promises to pay the bearer at the.....at.....on the.....day of.....the sum of.....dollars (\$.....) of lawful money of Canada.

Dated this.....day of.....A.D. 19.....

Countersigned,

.....  
*Chairman.*

.....  
*Minister of Education.*

.....  
*Treasurer.*

(4) The Board of a school district, within the limits of which an incorporated city is in whole or in part situated, when the amount to be borrowed is at least one hundred thousand dollars, may in its discretion by by-law provide that the sum borrowed shall be made payable in such manner that the principal shall be made repayable at the end of the period of years for which the debentures are to run, and that the interest thereon shall be paid annually or semi-annually as by the said by-law provided, in which event, however, there shall be raised annually during the said period, in addition to the interest payable thereon, an amount the same each year by way of a sinking fund sufficient with accumulated interest thereon to retire the debentures at maturity: and the debentures shall be in the following form or to the like effect:

DOMINION OF CANADA.  
PROVINCE OF ALBERTA.

\$..... Debenture No.....

The.....School District No.....  
of the Province of Alberta.

The Board of Trustees of the.....School District  
No.....of the Province of Alberta, promises to pay  
the bearer at.....in the.....or at  
.....in the....., the sum of  
.....dollars of lawful money of Canada  
on the.....day of....., 19.....,  
and to pay to the bearer the amount of each of the several  
interest coupons hereto attached as the same shall respec-  
tively become due.

.....  
*Chairman.*

.....  
*Treasurer.*

Countersigned....., 19.....

.....  
*Minister of Education.*

COUPONS.

Coupon No..... Debenture No.....

The Board of Trustees of the.....School District  
No.....of the Province of Alberta, will pay to the  
bearer at.....or at.....on the  
.....day of.....19....., the sum  
of \$.....being the half-yearly (*or yearly, as the  
case may be*) interest at the rate of.....per cent per  
annum due on that day on School Debenture No.....

.....  
*Chairman.*

.....  
*Treasurer.*

And the Board may from time to time invest the moneys  
in the said sinking fund for such period or periods, not  
exceeding in the whole the term of the debentures, and in  
such manner as it may deem expedient, in securities author-  
ized by *The Trustee Act* or approved by the Minister, pro-  
vided that such investments are in other respects reason-  
able and proper.

Other forms  
permissible  
if approved  
by Minister

(5) Any form of debenture other than that prescribed by  
this section may be used if approved by the Minister.

(6) There shall be written or printed upon the face of  
every debenture issued pursuant to this section a form of  
memorandum as to the registration thereof pursuant to sec-  
tion 200 of this Act, which shall be in the following form:

Department of Education,  
Edmonton, Alberta.

Registered....., 193.....

.....  
and also a form of memorandum as to its authorization by the Board of Public Utility Commissioners pursuant to section 101 of *The Public Utilities Act, 1923*, which shall be in the following form:

Authorized by order of the Board of Public Utility Commissioners, No....., and dated the.....day of....., 193.....

THE BOARD OF PUBLIC UTILITY COMMISSIONERS,

.....  
Chairman.

[1932, c. 34, s. 19.]

1972 - New 1938

**198.** A debenture for the whole amount or for a less amount than that mentioned in the by-law, or a series of debentures aggregating such full amount or aggregating a less amount than is so mentioned, may be issued, but whenever a series of debentures is so issued each of the same denomination and all at the same time, each debenture of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue, and the said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

Distinguish-  
ing marks  
upon  
series of  
debentures

**199.** Every debenture before being issued shall be sent for registration to the Minister, who shall cause a proper record to be kept of the same.

Registra-  
tion of  
debentures

**200.** The Minister or Deputy Minister shall thereupon, if the authority to make the loan has not been withdrawn, register and countersign the debenture and such countersigning by the Minister or Deputy Minister shall be conclusive evidence that the district has been legally established and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questionable by any court in the Province of Alberta, but the same shall be a good and indefeasible security in the hands of any *bona fide* holder thereof.

Registration  
and counter-  
signing of  
debentures  
by Minister  
or his  
Deputy

PART XV.

EDUCATION OF CHILDREN OF NON-RESIDENTS.

**201.** The parent or lawful guardian of any child may apply to the Board of any district of which he is a non-resident, for the admission of such child to its school, and it shall be the duty of the Board to admit such child to its

Admission  
of children  
residing out-  
side district



school, if there is sufficient accommodation, and the Board may demand that the application for the admission of any non-resident child be accompanied by a statement from the inspector of the district, to the effect that the accommodation of the school is sufficient for the admission of such child and that the application is approved by him:

Proviso

Provided that the Board may require payment of school fees as hereinafter authorized. [1934, c. 30, s. 11.]

Fees—  
for  
residents;

**202.**—(1) Except as hereinafter provided no fees shall be charged by the Board of any district on account of the attendance at its school of any child whose parent or lawful guardian is a resident of the district.

for non-  
residents;  
grades below  
IX;

(2) The Board of any district may charge for pupils under Grade IX, as classified by the regulations of the Department, a fee of twenty cents per day for each pupil in attendance at its school whose parent or lawful guardian is not a resident of the district, which fee shall be payable monthly at the end of every month:

Provided that the total amount payable by any parent or guardian for his family on account of such fees shall not, together with the amount of taxes (if any) paid or payable by him to the district for the year, exceed the sum of sixteen dollars for any year:

Provided further that if the school of the district in which such parent or guardian resides is closed during any portion of the school year without the consent of the Minister, no fees shall be charged the parent or guardian of such child during the time the school of such district is so closed, but the Board of the district at whose school such child is in attendance may charge the district whose school is so closed a fee of twenty cents per day for each pupil for each day of attendance, which fees shall be payable at the end of the calendar year upon account being rendered by the Board without any deduction for the amount of taxes paid or payable as aforesaid by any parent or guardian.

for pupils in  
grades above  
VIII and  
special  
courses;

(3) The Board of any district may charge for pupils in Grades IX, X and XI, first and second year commercial courses, special commercial courses and first and second year technical courses as classified by the regulations of the Department of Education, a fee of three dollars per month (or fractional part thereof) per pupil in attendance at its school, if the parent or lawful guardian of such pupil is not a resident of the district, which fees shall be payable monthly at the end of every month by the Board of the district in which the parent or lawful guardian of such pupil resides:

Provided, however, that the total amount of such fees for the term ending the thirty-first day of December shall not exceed twelve dollars per pupil, and for the term ending the thirtieth day of June shall not exceed eighteen dollars per pupil:

Provided further that no fee may be charged on account of the attendance at the school of any child whose parent or lawful guardian is resident in unorganized territory and on lands subject to taxation under *The Educational Tax Act*:

Provided further that no school district shall be liable for fees on account of instruction given to any such pupil if such instruction is available at the school in the district in which the parent or lawful guardian resides, but in that case the said parent or lawful guardian shall pay to the district carrying on the school attended by the pupil fees at the rate provided in this subsection, but may abate the amount of the fees payable by the amount of school taxes (if any) paid or payable by him for the year to such school district:

Provided further that when only a portion of the instruction which a pupil is receiving in Grade X or Grade XI (or equivalent commercial or technical courses) is available in the school of the district in which his parent or lawful guardian resides, the amount of fees payable by the parent or lawful guardian shall be the proportion of the total which the number of subjects offered in the district of which the parent or guardian is a resident bears to the total number of subjects in which instruction is received by the pupil, and the amount of fees payable by the Board shall be the remainder:

Provided further that instruction in all or any of these grades shall not be deemed to be available to a pupil in a district which maintains only one room in operation unless the Board obtains from an inspector his authorization in writing to give such instruction in its school.

(4) The Board of any district may charge for pupils in Grade XII, third year commercial course and third year technical course as classified by the regulations of the Department of Education, a fee of four dollars per month (or fractional part thereof) per pupil in attendance at its school if the parent or lawful guardian of such pupil is not a resident of the district, which fee shall be payable monthly at the end of every month by the parent or lawful guardian of such pupil:

for non-resident pupils in Grade XII, third year commercial course and third year technical course:

Amended 1938  
Provided, however, that the amount of fees payable by a parent or lawful guardian under this subsection may be abated by the amount of the school taxes (if any) paid or payable by him for the year to the school district in which the pupil is in attendance.

(5) The Board of any district maintaining a technical school or special classes in technical, commercial, art, or other higher training, may charge for a pupil in attendance at its school, if the parent or lawful guardian of such pupil is not a resident of the district, such fees from time to time as shall be approved by the Minister:

for non-resident pupils taking special classes in technical, commercial art or other higher training

Provided, however, that when the fees so approved are higher than those provided for in subsections (3) or (4) any excess shall always be payable by the parent or lawful guardian:

Provided further that the amount of fees payable by a parent or lawful guardian under this subsection may be abated by the amount of the school taxes (if any) paid or payable by him for the year to the school district in which the pupil is in attendance.

Liability of Board for payment for certain instruction

(6) The liability of a Board to the payment to another Board of fees in respect of any pupil furnished with instruction in one or more of the following courses, namely, Grade IX, Grade X, Grade XI, first year commercial course, second year commercial course, first year technical course, second year technical course, shall cease upon the expiration of the fifth year during which the pupil has been furnished with such instruction; and thereafter any fees payable in respect of that pupil shall be at the rate prescribed by subsection (3) hereof and shall be payable by the parent or lawful guardian of the pupil.

Fees chargeable to parent for certain instruction

(7) In case a pupil has been receiving instruction at a school of the district in which the pupil's parent or lawful guardian resides in one or more of the following courses, namely, Grade X, Grade XI, first year commercial course, second year commercial course, third year commercial course, for four years, or in case he has been so receiving instruction in Grades IX, X, XI and XII (or equivalent years in commercial and technical courses) for five years the Board of that district may charge the parent or lawful guardian fees for instruction furnished to the pupil in any of the said grades after the completion of the fourth or fifth year of such tuition, as the case may be, at the rates prescribed by subsections (3) and (4) hereof.

Fees chargeable for partial tuition

(8) In any case in which the Board of a district furnishes partial tuition in Grades X, XI and XII, first, second and third year commercial courses, first, second and third year technical courses, or tuition partially in Grades X and XI (or equivalent commercial and technical courses) and partially in Grade XII (or equivalent commercial and technical courses), to a pupil whose parent or lawful guardian is a resident of another district, the amount of the fees so chargeable by the first mentioned Board to the Board of the last mentioned district and to the parent or lawful guardian respectively shall be according to the schedule of fees in the second part of the schedule of this Act.

Recovery of fees

(9) Fees payable under this Part may be recovered with costs in any court of competent jurisdiction in the Province, as a debt due to the Board of Trustees, from any person or Board by whom the same are made payable under this Act.

Certificate of inspector of schools final

(10) The certificate of an inspector of schools as to the grades taught in the school of any district and the educational standing of any child, shall be final and conclusive as to the facts stated therein, for all the purposes of this Part.

Disputes

(11) All disputes under this section as to the amount of fees payable by a Board and by a parent or lawful guardian shall be referred to the Chief Inspector of Schools, whose decision shall be final.

(12) The imposition of fees by a Board under the provisions of this section shall not disentitle the Board from receiving a grant under any of the provisions of *The School Grants Act*. Right to grant under *The School Grants Act*

(13) Where school districts are included in a division established pursuant to Part XVII of this Act the provisions of this section shall not apply to any such school districts and for the purposes of this section a division shall be deemed to be a school district and any reference to the Board of a district included in a division shall be deemed to be a reference to the Board of the Division. Applicability of section

[1933, c. 21, s. 18; 1935, c. 44, s. 9; 1936, c. 85, s. 15; 1937, c. 40, s. 13.]

**202a.** For the purposes of this Part, "lawful guardian" shall mean any person with whom a child resides who is a guardian appointed by deed or will of a deceased parent or a guardian appointed by an order of a court under the provisions of *The Domestic Relations Act*, and any person in whose care a child is placed under the provisions of *The Child Welfare Act*. "Lawful guardian"

[1934, c. 30, s. 12.]

## PART XVI.

### PENALTIES AND MISCELLANEOUS REGULATIONS.

**203.** Everyone who makes or signs any declaration at any first or other school meeting as to his qualifications to take part in such meeting or to vote thereat without being qualified so to do shall be guilty of an offence and shall be liable on summary conviction to a penalty of not more than ten dollars and costs. Penalty for false declaration as to qualifications

**204.** Any member of a Board who wilfully neglects or refuses to assist in the exercise of all the corporate powers vested in such Board by this Act for the fulfilment of any contract or agreement made by it, shall be personally liable for damages for the non-fulfilment of such contract or agreement. Responsibility for non-fulfilment of contract

**205.** Should the Board of any district wilfully contract liabilities in the name of the district greater or other than as provided or allowed by this Act, or appropriate any of the moneys of the district for purposes other than are provided or allowed by this Act, the treasurer of the Board or some other person authorized by the Minister may recover as a debt in a court of competent jurisdiction from such members of the Board as have participated in the unauthorized act individually, the sum or sums for which the district has been rendered liable through the action of such Unauthorized contracting of liabilities or appropriation of moneys

trustees over and above the amount so provided by this Act, as well as the total amount of any moneys that have been misappropriated by such trustees.

Penalty for false report, etc., by trustee or teacher

**206.** Any trustee who knowingly signs a false report, or any teacher who keeps a false school register or knowingly makes a false return, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars.

Penalty for unlawful detention of money, etc., by trustee, etc.

**207.—**(1) Any trustee, officer or employee of a district who after ceasing to hold office detains any money, book, paper or thing belonging to the district shall thereby incur a penalty not exceeding twenty dollars for each day during which he wrongfully retains possession of such money, book, paper or thing after having received notice in writing from the chairman of the Board or from the Minister requiring him to deposit the same in the hands of some person mentioned in such notice.

Penalty for non-fulfilment of duty

(2) Any trustee, officer or employee of a district who refuses, neglects or fails to perform any duty imposed on him by this Act shall be liable to a penalty not exceeding fifty dollars.

Penalty for refusal, etc., to furnish information

(3) Any person required by this Act or by the regulations made thereunder to furnish any information or make any return or statement in writing to the Department, or to perform any act or duty, who refuses or neglects to furnish such information, or make such return or statement or perform such act or duty, shall be liable to a penalty not exceeding fifty dollars.

Penalty for unlawful interference by returning officer with voting

**208.** Any returning officer of any district or proposed district acting under the provisions of this Act who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or by taking unlawful votes or by altering returns or books in any way, or by any other means, shall be liable to a penalty of not less than ten dollars and not more than one hundred dollars.

Penalty for disturbance of meeting or school

**209.—**(1) Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act, or anyone who wilfully interrupts or disquiets any school established and conducted under its authority, by rude or indecent behaviour or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the exercises of the school, shall be guilty of an offence, for which he shall forfeit for the use of the district within which the offence was committed a sum not exceeding twenty dollars.

Prohibition of canvassing of teacher

(2) No person shall on any school premises canvass or offer to sell any goods or merchandise to any teacher.

(3) Any person contravening the provisions of subsection (2) of this section shall be liable upon summary conviction to a penalty of not less than five dollars and not more than twenty-five dollars. [1932, c. 34, s. 20.]

Penalty for  
contraven-  
tion of  
section

210. Any person who subscribes to any statement, declaration, return or other document prescribed by this Act or by the Minister under the provisions hereof, and therein wilfully and knowingly makes any false statement, shall be guilty of an offence, and liable on summary conviction to a penalty not exceeding twenty-five dollars.

Penalty for  
false state-  
ment in  
prescribed  
document

211. No school trustee shall be eligible for appointment as teacher within the district of which he is a trustee, nor shall the teacher of any school hold the office of school trustee.

Ineligibility  
of trustee as  
teacher

212. All fines, penalties and forfeitures mentioned in this Act may be recovered or enforced with costs on summary conviction before a justice of the peace.

Recovery of  
fines and  
penalties

213. All moneys accruing from forfeitures, fines or penalties under this Act shall, unless otherwise provided, belong to the general revenue fund of the Province of Alberta.

Disposition  
of fines, etc.

214. A notice setting forth the contents of every order of the Minister,—

Ministerial  
orders to be  
final upon  
publication

(a) establishing any district; or

(b) altering the boundaries of any district in any manner,—

shall upon publication thereof in *The Alberta Gazette*, be final and conclusive evidence that such district has been duly established, or that the boundaries of such district have been duly altered, as the case may be.

215. The publication in *The Alberta Gazette* of the notice of the order forming a consolidated school district or uniting any district or districts with an existing consolidated district or districts, or altering the boundaries of a consolidated district by adding to or taking from the area of any district which forms a part of the consolidated district, shall be final and conclusive evidence that all matters required preliminary to such order have been complied with.

Evidential  
force of  
notice of  
orders  
relating to  
consolidated  
school  
districts  
when  
published in  
*Gazette*

216. The publication in *The Alberta Gazette* of the notice of the order forming a rural high school district or uniting any district or districts with an existing rural high school district or altering the boundaries of a rural high school district by adding to or taking from the area of any district which forms a part of the rural high school district shall be final and conclusive evidence that all matters required preliminary to such order have been complied with.

Evidential  
force of  
notice of  
orders  
relating to  
rural high  
school  
districts  
when pub-  
lished in  
*Gazette*

## ALTERATION IN LIMITS OF SCHOOL DISTRICTS.

Alteration of  
boundaries  
of school  
districts

**217.** The Minister may by order, notice of which shall be published in *The Alberta Gazette*, alter the boundaries of any district by adding thereto or taking therefrom or dividing one or more existing districts into two or more districts or uniting portions of any existing district with another district, or with any new district, in case it has been satisfactorily shown that the proposed changes are for the general advantage of those concerned, and that the rights of ratepayers under section 14 of *The North-West Territories Act* will not be prejudiced.

Prejudicial  
effect of  
alteration

**218.** In the case of any district having debenture indebtedness outstanding no alteration shall be made in the boundaries thereof which will prejudicially affect the rights or security of the holders of such debentures without due provision being made for the protection of such holders.

Readjust-  
ment of  
finances  
upon  
alteration

**219.—(1)** Upon the alteration of the boundaries of any district, the Minister shall, by his order altering the boundaries or by a subsequent separate order, give such directions for the settlement and adjustment of the liabilities and assets of the said district as he may in his absolute discretion think fit and proper, and may prescribe and declare the basis and terms of such settlement and adjustment, and the manner in which the same shall be carried into effect; and in cases in which by the terms of such settlement and adjustment any rates or taxes are required to be levied or collected upon property within or without such district, he may prescribe by whom, at what times and in what manner such rates and taxes shall be raised, levied, and collected, and to whom the same or any part thereof shall be paid, and by what district or districts, in what proportions, and to whom any money payable in respect of any such settlement and adjustment shall be paid.

(2) Any and every provision, declaration, prescription and direction at any time heretofore or hereafter made by the Minister, upon the alteration of the boundaries of any district as to the settlement and adjustment of the assets and liabilities, and the method of settling and adjusting the same, shall be deemed to be good and valid for all purposes, any decision of any court notwithstanding.

(3) When any area is added to or taken from any district the Minister may by order make all provisions necessary to meet the exigencies of the case respecting the assessment of property in such area and the levying, collection and application of taxes on such property, or one or more of the said matters for the then current year, and the matters dealt with in such order shall be done according to the terms thereof and not otherwise.

(4) The Minister may by order vest any land registered in the name of the Board of a district in the name of the Board of another district in which the land becomes situ-

ate upon an alteration of boundaries, and a copy of such order duly certified by the Minister shall be sufficient evidence to the Registrar of the Land Registration District in which such land is situate, of such change of ownership, and the said Registrar shall, without the charge of any assurance fund fees, upon request in writing of the Board of such other district and upon production of a certified copy of the order as aforesaid and the duplicate certificate of title covering the same, register it as owner of such land.

**220.**—(1) The Lieutenant Governor in Council may by order, notice of which shall be published in *The Alberta Gazette*, declare that on and after a day therein to be named any district shall be dissolved and thereupon the same and the Board thereof shall cease to have or enjoy any of the rights, powers and privileges vested in it by this Act; and upon any such dissolution of a district the Minister may appoint one or more persons to adjust and settle the assets and liabilities of such district; and such person or persons so appointed shall have full power and authority to sell and dispose of all the assets and property of such district and apply the same so far as it will extend: firstly, in payment of the liabilities of the said district; and secondly, in payment of his or their remuneration as hereinafter mentioned; and in case the amount so realized is insufficient to pay and satisfy the liabilities of the said district and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment, in the same manner as boards, assessors, collectors and treasurers are authorized to do by *The School Assessment Act*, of such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith, including his or their remuneration, which shall be fixed by the Minister.

Dissolution  
of district

(2) In case after the payment of all liabilities of a dissolved district and the expenses and remuneration of the persons appointed to adjust and settle the assets and liabilities of the district, there remains any surplus, the Lieutenant Governor in Council may by order direct that the surplus or any specified part thereof be paid to any specified ratepayer of the dissolved district or to any school district to which the lands or any part of the lands of the dissolved school district have been added or that the surplus or so much thereof as is not so made payable to a ratepayer or to a school district shall be paid to the Provincial Treasurer and dealt with by him as if the same were moneys paid to him under *The Educational Tax Act*; and the surplus shall be dealt with and disposed of accordingly.

**220a.**—(1) Where the conditions prevailing are such that it appears advisable in the interests of education so to do, the Minister may by order direct that any two or more

Adminis-  
trative union  
of districts  
by minis-  
terial order



school districts shall be constituted into a union of school districts for administrative purposes, and assign thereto a name and number and thereupon,—

\*Administra-  
tion

(a) the then existing boards of trustees of each included school district shall be dissolved and the affairs of each school district included in the union shall be administered by one board consisting of such number of persons elected or appointed in such manner and for such terms of office as the Minister may prescribe, and the board so elected or appointed shall be the board for each included district as well as for the union of school districts;

Provision of  
educational  
facilities

(b) the board so elected or appointed shall provide such educational facilities for the union of districts as are sufficient in the opinion of the board and are approved by the Minister;

Apportion-  
ment of  
estimated  
expenditures

(c) the estimated expenditures of the board shall be apportioned by the board amongst the school districts included in the union of districts in such amounts as the board considers to be the fair contribution to be made by each school district on account thereof, and upon being approved by the Minister the amount apportioned to each school district as its contribution shall be the amount to be levied for school purposes in the district, and shall be levied by the board as if it were the board of the district.

Powers of  
Lieutenant  
Governor in  
Council

(2) The Lieutenant Governor in Council may from time to time,—

(a) declare that any of the provisions of *The School Act, 1931*, and of *The School Assessment Act, 1931*, shall be inapplicable to a school district so included in a union; and

(b) prescribe other or different provisions in lieu of or in addition to any provision so declared to be inapplicable.

Publication  
of Orders  
in Council

(3) Every order made pursuant to this section shall be published in *The Alberta Gazette* and shall take effect on publication or on such later date as may be fixed thereby for that purpose, and shall have the same force and effect as if the same had been expressly enacted by this Act.

[1935, c. 44, s. 10.]

#### ORDERS.

Effect of  
unessential  
irregularity  
in order law-  
fully made  
under Act

**221.** No order purporting to be made under this Act and being within the powers hereby conferred shall be deemed invalid on account of any non-compliance with any of the matters hereby required as preliminary to such order; and no misnomer, inaccurate description or omission in any such order shall in anywise suspend or impair the operation of this Act with respect to the matter so misnamed, misdescribed or omitted.

**222.** Any misdescription or other error in any order made by the Minister, or in any order made or proclamation issued by the Lieutenant Governor in Council, under the provisions of this Act or any Ordinance respecting schools at any time in force in the Province of Alberta, may be corrected and confirmed as corrected as of the date on which it was made or issued by any subsequent order of the Minister.

Correction of errors in orders by Minister or proclamations

**223.** In any order under this Act the Minister may provide that the same shall not take effect until some future date named therein, but not later than one year from the date of the order.

Postponing effect of order

#### MISCELLANEOUS.

**224.** The Lieutenant Governor in Council may by order, notice of which shall be published in *The Alberta Gazette*, declare that for the purposes of this Act any town district shall be deemed to be a village district and thereafter all the provisions of this Act relating to village districts shall apply thereto.

Establishment of town district as village district for purposes of Act

**224a.**—(1) In relation to the establishment, whether heretofore or hereafter, of any school district within that part of the Province which is included in the Tilley East Area or the Berry Creek Area constituted for the time being by *The Tilley East and Berry Creek Areas Act* or the Acts thereby repealed, the Minister shall have and be deemed to have had the full power to establish any such school district and to provide for the administration thereof by an official trustee in lieu of a Board of Trustees until such time as he may order that an election be held for the election of trustees; and every official trustee so appointed shall have and be deemed to have had all the powers conferred by this Act on a Board of Trustees.

Establishment of school district in area constituted by *The Tilley East and Berry Creek Areas Act*

(2) In any district to which this section applies, the Minister may with the approval of the Lieutenant Governor in Council make provision for the election of an advisory committee to confer and advise with the official trustee or the election of a Board of Trustees consisting of such number of persons elected in such manner as may be from time to time prescribed, may provide for the election of any such persons by electoral divisions of the district, and may modify any of the provisions of this Act relating to the election of trustees in such manner as may be deemed necessary in the circumstances and may by regulation provide as to the manner in which any such election shall be conducted.

Election of advisory committee

[1934, c. 30, s. 13.]

**224b.** Every School District and the Board of every School District and of every Division, and the officers and teachers of any such Board, and each of them, shall be

Application of *The Public Authorities Protection Act*

deemed to be a public officer for all the purposes of *The Public Authorities' Protection Act.* [1937, c. 40, s. 14.]

Status of women under Act

**225.** Notwithstanding anything herein contained, women shall be upon an absolute equality with and have the same rights and privileges, and be subject to the same penalties and disabilities, as men under this Act.

Application of certain provisions in a city charter to school district

**226.** Wherever in any city charter there are any provisions governing referendum, recalls or the taking of plebiscites, such provisions shall apply *mutatis mutandis* to the elected representatives and business of any school board elected for any school district which is included either wholly or partially within the limits of any city:

Proviso

Provided, that if any plebiscite is held or any referendum taken or any recall demanded at any time other than the date of the general municipal election, the expenses of such plebiscite, recall or referendum shall be borne by the school board affected thereby.

Contested elections in town or village district

**227.** In any town or village district the validity of the election of a school trustee may be contested before a judge upon the relation of any elector of the district, and the proceedings therein shall be subject to and governed by the provisions of such Statutes dealing with controverted elections as are applicable to a contested election of a member of the council of the city, town or village, as the case may be, within whose corporate limits such district is either wholly or partially situated. [1932, c. 34, s. 21.]

Investigations into election in consolidated district

**228.—**(1) Whenever complaint is made that the election of a trustee for any district within a consolidated district has not, or that the proceedings or any part thereof of any first or other meeting of the electors of any consolidated district or of any district within a consolidated district have not, been in conformity with the provisions of this Act, the Minister may, upon receiving the complaint of any elector of a consolidated district, verified by statutory declaration of the complainant, investigate the matter, and render such decision in and about the same as to him appears proper.

Time for receiving complaint limited

(2) No such complaint shall be entertained by the Minister unless made to him in writing within thirty days after the holding of the election or meeting in question.

[1937, c. 40, s. 15.]

Investigations into election in rural district

**229.—**(1) Whenever complaint is made by an elector, verified by his statutory declaration, that the conduct or any part thereof of any first or other school meeting in any rural district or the election of trustees has not been in conformity with this Act, the Minister may investigate the matter and render such decision in and about the same as to him shall appear proper.

(2) No such complaint shall be entertained by the Minister unless made to him in writing within thirty days after the holding of the meeting or election.

Time for receiving complaint limited

[1937, c. 40, s. 16.]

**230.** *The School Act*, being chapter 51 of the Revised Statutes of Alberta, 1922, is hereby repealed.

Repeal

#### PART XVII.

**231.**—(1) Where the conditions prevailing are such that it appears advisable in the interests of education so to do, or if it is so requested by the boards of trustees of the majority of school districts in a proposed division, the Minister may by order constitute a school division consisting of any number of rural public school districts not being districts wholly or partially included in a consolidated district.

Constitution of school division by ministerial order

(2) Every school division shall be divided by the Minister by the order constituting the division into not less than five subdivisions consisting of school districts included therein, and every such school district shall be included in a subdivision.

Division of school divisions into subdivisions

(3) Every order constituting a school division shall,—

Contents of order constituting division

- (a) nominate some person as the secretary for the time being of the division; and
- (b) fix the day, time and place for the holding of the first meeting of the delegates for each subdivision, and in case it is necessary to hold an election of any members of the Divisional Board, the day and time for the holding of any such election;
- (c) assign a name and number for the school division and a distinctive number to each subdivision.

(4) Where the conditions prevailing are such that it appears advisable in the interests of education so to do, or if it is so requested by the boards of trustees of the majority of school districts in a proposed division, the Minister may by order from time to time,—

Changes in division by ministerial order

- (a) include in an established division any one or more public school districts and include the same in a subdivision;
- (b) transfer any school district included in a division to another division;
- (c) transfer any school district included in a division from one subdivision to another; and
- (d) exclude from a school division any school district included therein.

(5) Every order made pursuant to this section shall be published in *The Alberta Gazette* and a copy of every such order shall be sent by registered mail to the secretary of every school district mentioned therein. [1937, c. 40, s. 17.]

Publication of orders in *The Alberta Gazette*

16) New.

17) New.

Amendments 1938 marked

Meeting of trustees to elect delegate

**232.**—(1) Upon the making of an order constituting a school division, the secretary of every school district named therein shall, not later than the tenth day prior to the day fixed by the order for the first subdivisional meeting of delegates of the school division, call a meeting of trustees for the purpose of electing a delegate.

(2) In every year after the year in which a school division is constituted, the secretary of each school district in the division shall in the month of September call a meeting of the trustees for the purpose of electing a delegate.

Election of delegate

(3) At any such meeting the trustees attending thereat shall proceed to elect a delegate who shall be a British subject, an elector of the district and able to read and write, and thereupon the secretary of the school district shall furnish the person so elected with a certificate of his election and shall advise the secretary of the division of the name and post office address of the delegate.

Appointment by Minister in case of default

(4) In case default is made by a board of trustees in appointing a delegate, the Minister may by writing appoint a delegate for the district.

(5) In any case in which an official trustee has been appointed under section 8 of *The Department of Education Act* for any such school district, the official trustee shall appoint a delegate and if the official trustee is unable to find any resident of the district who is qualified for such appointment, or if for any other reason he finds it impossible to appoint a delegate, the official trustee shall be the delegate to represent the district and for the purpose of determining a quorum at a meeting of delegates he shall be the delegate for each district which he represents and shall have one vote for each such district. [1937, c. 40, s. 18.]

Meetings of delegates

*Amended*  
**233.**—(1) Upon the constitution of a school division meetings of the delegates of each subdivision of a division shall be held upon such days and times and at such places as may be fixed by the order constituting the division, and in every year thereafter, such meetings shall be held at such date not earlier than the first day of December and not later than the second Tuesday in December as may be fixed for that purpose, and at such time and place as may be fixed for that purpose by the divisional board.

Notice to delegate of meeting

(2) The secretary of the division shall send to each delegate by mail a notice in writing of the day, time and place of the meeting of the delegates for the subdivision of which he is a delegate, and such notice shall be sent at least five days before the day fixed for the meeting.

[1937, c. 40, s. 19.]

Quorum

*New 233 a - Meetings of electors of subdivisions from Jan - July*  
**234.**—(1) A quorum for a meeting of delegates shall be a number which is not less than one-half of the number of school districts in the subdivision.

(2) If at the expiration of one hour after the time fixed for a meeting of delegates a quorum is not present, the delegates shall by resolution adjourn the meeting to a day and time which shall be not more than five days after the day originally appointed for the meeting. [1937, c. 40, s. 20.]

Adjourn-  
ment where  
no quorum

**235.**—(1) At the hour fixed for the meeting or as soon thereafter as a quorum shall be present, or, in case of an adjournment for lack of a quorum, at the hour to which the meeting was adjourned, the delegates then present shall commence the meeting by appointing one of their number as chairman and shall then proceed to the reading of the reports of the superintendent, the secretary of the division, the auditor, and any other statements or communications relating to the affairs of the division and the discussion thereof as may seem desirable.

Procedure  
at meeting

(2) Immediately after the expiration of one hour after the commencement of the meeting, the chairman shall, in case there is a vacancy, proceed to call for the nomination of candidates for the office of divisional trustee for the subdivision, each of whom shall be an elector of a district within the subdivision, a British subject and able to read and write, and for the period of thirty minutes from the time when the chairman first called for nominations the meeting shall remain open for the purpose of receiving nominations.

Adjourn-  
ment and  
nomination  
of divisional  
trustee

(3) Every nomination shall be in writing in Form I in the schedule hereto and shall be signed by a delegate and by one other person who shall be an elector of a district included within the subdivision, and shall be accompanied by a statement in writing in Form K in the schedule hereto signed by the candidate as to his qualifications for election and his willingness to accept the office.

Form and  
contents of  
nomination

(3a) Any person who has been nominated as a candidate for the office of a divisional trustee may withdraw his nomination by delivering to the secretary of the division, not later than the twelfth day before the date fixed for the election, a statement in writing signed by himself before a Justice of the Peace or in the presence of two electors of the division, requesting the withdrawal of such nomination, and if as a result of such withdrawal the number of persons nominated for the office of divisional trustee for a subdivision is reduced to one, that one shall be declared elected by the secretary without a poll and he shall certify the fact of such election in the manner prescribed in section 240 of this Act.;

(4) If, after the expiration of the said period of thirty minutes, the chairman shall have received only one such nomination, he shall declare the candidate nominated to be duly elected as a member of the Divisional Board of Trustees and shall immediately thereafter deliver to the secretary of the division a certificate of that candidate's election, and if he shall have received more than one such nomination he shall immediately thereafter deliver to the secretary of the

Declaration  
of election  
where only  
one nomina-  
tion

division a certificate signed by him setting out the names and addresses of the persons so nominated, and shall without undue delay send to the Minister and to the secretary of the division a certificate signed by him setting out the name and address of the candidate elected as a member of the divisional board for the subdivision or the names of the candidates nominated for such election and the order in point of time in which such persons were so nominated, as the case may be; and the secretary of the division upon the receipt of any such certificate shall send a copy thereof to the secretary of each school district in the subdivision to which the certificate relates. [1937, c. 40, s. 21.]

Poll where more than one nomination

Ballot papers

**236.**—(1) In case more persons than one are nominated in any subdivision a poll shall be held in that subdivision.

(2) The secretary of the division shall cause a sufficient number of ballot papers to be printed and delivered to the secretary of each school district in the subdivision and advise him in writing of the necessity for taking a poll,—

- (a) at least ten days before the day fixed in the order constituting the district for the taking of a poll; or
- (b) in any subsequent year before the twenty-fifth day of December.

Meeting of electors of school district

(3) In the year in which the division is constituted, the secretary of each such school district shall proceed to call a meeting of the electors of the school district upon the date, and at the time and place fixed for that purpose in the order constituting the division in the manner prescribed in section 46 of this Act.

Poll at public meeting of electors

**237.** The poll shall be held at the public meeting of electors of the school district held on the day fixed for that purpose in the order constituting the division and in any subsequent year on the second Tuesday in January.

Provisions of sections 47, 86 to 99 applicable to poll in subdivision

**238.** Subject to the other provisions of this Part, all the provisions of section 47 and of sections 86 to 99, both inclusive, relating to the taking of a poll for the election of trustees of a rural school district shall, *mutatis mutandis*, be applicable to the taking of a poll in a subdivision.

[1937, c. 40, s. 22.]

Right of chairman to vote

**238a.** The chairman of a public meeting at which a poll is held for the election of a divisional trustee shall be entitled to vote at the said election.

[1937, c. 40, s. 23.]

Proceedings at close of poll

**239.** Upon the close of the poll the chairman and the secretary of the meeting shall count the ballots in the presence of at least two electors, shall make out and sign a statement of the ballots in duplicate, shall forward one statement of the ballots to the secretary of the division by mail in a separate envelope, and shall make up into a separate parcel

the ballots cast, the other statement of the ballots cast, the poll book, the unused ballots, declarations and all other papers used in connection with the election, and shall seal up the same and either deliver the same to the secretary of the division or forward the same to him by registered mail.

[1937, c. 40, s. 24.]

**240.** As soon as the secretary of the division has received the ballots and statements from all the districts in the subdivision he shall, in the presence of at least two electors of the division count all the ballots and declare the person with the greatest number of votes elected: if it is found that two or more persons have each received an equal number of votes, the person whose nomination is first shall be deemed to have more votes than the person whose nomination is subsequent; and he shall forthwith certify in writing to the secretary of each school district in the subdivision and to the Minister the name of the person elected as a member of the divisional board in the subdivision.

Counting of  
ballots

**241.** The validity of the election of any member of a divisional board may be contested before a judge upon the relation of any elector of a district in the division, and the proceedings thereon shall be the same as in the case of contested elections of councillors under *The Controverted Municipal Elections Act*.

Proceedings  
in case  
validity of  
election  
contested

**242.—(1)** Subject to the other provisions of this section a member of a divisional board shall hold office for a term of two years and if at the expiration of that term his successor has not been elected he shall continue to hold office until the election of his successor.

Term of  
office of  
member of  
Divisional  
Board

**(2)** In the case of the first members of a divisional board elected after the constitution of a division at the organization meeting of the Board, the chairman shall place the names of all the members, each written on a separate piece of paper, each piece similar to the other in shape, kind and colour, in a receptacle and shall then draw therefrom at random, one by one, three of the names therein, and shall cause the names so drawn to be recorded on the minutes, and the three members whose names are drawn shall hold office for two years, and the remaining members shall hold office for one year, and in either case until their successors are elected and take office.

Term of  
office of  
first  
members of  
Divisional  
Board

**242a.—(1)** Every divisional trustee other than one appointed by the Minister, shall, before undertaking any of the duties of a divisional trustee, and before he takes his seat as a member of the divisional board, make a declaration before a Justice of the Peace or a Commissioner for Oaths, in the following form:

Oath of  
office by  
divisional  
trustee

I, ..... of.....  
in the Province of Alberta, do hereby declare that I am an



elector of the School District of....., that I am a British subject, that I am able to read and write, that I hereby accept the office of divisional trustee to which I have been elected in subdivision No....., of School Division No....., of the Province of Alberta, and that I will to the best of my ability, honestly and faithfully discharge the duties devolving on me as such divisional trustee.

Dated at....., in the Province of Alberta, this.....day of....., 193.....

.....  
Divisional Trustee.

(2) Every Justice of the Peace or Commissioner for Oaths before whom any declaration as last aforesaid is made, shall endorse upon or attach to the declaration, which declaration shall be signed by him, and shall deliver to the declarant a certificate in the form of the following:

I, ..... of....., in the Province of Alberta, do hereby certify that....., of....., in the Province of Alberta, a person elected as a divisional trustee for Subdivision No....., or School Division No....., in the Province of Alberta, has this day made before me the required declaration of office.

Dated at....., in the Province of Alberta, this..... day of....., 193.....

.....  
Justice of the Peace.  
Commissioner for Oaths.

(3) Every divisional trustee shall deliver the aforesaid declaration taken by him, together with the certificate relating thereto, to the Secretary of the Division, at the first meeting of the divisional board attended by him, when the secretary shall enter the fact of such delivery on the minutes of that meeting and shall retain the declaration and certificate on file. [1937, c. 40, s. 25.]

Constitution  
of Board

**243.** The persons so elected as members of the Board of a division shall constitute the Board of the division which shall be a body corporate and politic with such name or style as may be prescribed by the Minister, shall have a common seal and shall, subject to the other provisions of this Part, have the administration of the educational affairs of the school districts in the division.

Organization  
meeting

**244.** The Board of a division shall hold an organization meeting on the day fixed for that purpose in the order constituting the division, and in every subsequent year thereafter within ten days after the date of election, and at such meeting shall appoint a chairman and a vice-chairman.

Number of  
meetings

**245.** The Board shall meet at least six times in each year at intervals of not less than one month nor more than two months at such days, times and places as may be from

time to time fixed by resolution of the Board, and at any other time or place at the call of the chairman or of any three members of the Board.

**246.**—(1) In case a Board at a meeting attended by all the members thereof by resolution appoints certain days, times and places for the holding of periodic meetings of the Board, it shall not be necessary to send any notice of any meeting held in accordance therewith to any member of the Board. No notice of periodic meetings

(2) In the case of all other meetings of the Board notice in writing thereof shall be given to each member of the Board either by sending the same to him in a duly addressed and prepaid cover by registered mail from a post office in the division or from the post office from which the secretary of the Board ordinarily receives his mail, or by delivering such notice to him personally, or by leaving the same at his residence, in each case at least six clear days before the date fixed for the meeting. Notice of other meetings

(3) A Board may hold a meeting at any time notwithstanding that the requirements of this section as to notice have not been complied with, provided that,— Waiver of minutes

(a) there is inscribed in the minutes of that meeting a waiver in the following form:

We, the undersigned members of the Divisional Board of....., hereby waive notice of this meeting.

and

(b) all the members of the Board sign the waiver.

[1937, c. 40, s. 26.]

**247.**—(1) No act or proceeding of a Board shall be valid or binding which is not adopted at a meeting at which a quorum of the Board is present. Validity of proceedings of Board

(2) A majority of the Board shall constitute a quorum. Quorum

(3) If the number of members of the Board be reduced to less than a quorum of the Board, the remaining members shall immediately take the necessary steps to fill the vacancies on the Board but shall not transact any other business of the division. Vacancies

(4) All questions shall be submitted to the Board on the motion of the chairman or any other member, and no second-er shall be required. Submission of questions

(5) At all meetings of the Board all questions shall be decided by a majority of the votes and the chairman shall have the right to vote. but in case of an equality of votes the question shall be decided in the negative. Decision of questions by vote

Acting  
chairman

(6) In the case of the absence of the chairman and the vice-chairman from any meeting of the Board, the members present shall elect one of their own number to act as chairman of the meeting.

Exclusion  
from  
meeting

(7) Every meeting of the Board shall be open and no one shall be excluded therefrom except on account of improper conduct or lack of accommodation to the public.

(8) The chairman of every meeting of the Board shall have the right to order the exclusion or expulsion of any person whose conduct is or has been such as to interfere with the proceedings of the meeting.

Vacancies

**247a.**—(1) In the event of a vacancy occurring in the membership of the Board the secretary shall report to the Board at the first meeting thereof held after the occurrence of the vacancy, the fact that such vacancy has occurred, and shall make an entry thereof upon the minutes and the Board shall proceed to appoint some person to fill the vacancy who shall be an elector of the subdivision in respect of which the vacancy occurred, a British subject and able to read and write, and the person so appointed shall continue to hold office until the next annual election of members of the Board, when an election shall be held in the subdivision in respect of which the vacancy occurred for the purpose of electing a member of the Board for that subdivision and the member so elected shall hold office in the place of and for the unexpired term of office of the member who held office immediately before the first mentioned vacancy occurred.

(2) In case default is made by the Board in the appointment of some person to fill a vacancy under the provisions of this section and such default continues for a period of more than thirty days after the occurrence of the vacancy, the Minister may by writing under his hand appoint any person whom he thinks proper to fill the vacancy, and thereupon the person so appointed shall hold office as if he had been appointed by the Board under the provisions of this section and thereupon the powers of the Board under this section shall utterly cease and determine. [1937, c. 40, s. 27.]

Disposition  
of assets and  
liabilities of  
included  
districts

**248.** Upon the day fixed by the order constituting a division,—

(a) all the assets of every school district included in the division shall become vested in the Board of the division subject to any subsisting charges, liens and encumbrances for the purposes of all the districts included therein:

Provided always that in case the assets of a district exclusive of its school site, school buildings, teacherage and school equipment, and exclusive of all grants receivable and all arrears of taxes in excess of liabilities and all other accounts receivable exceed its liabilities, the amount of the excess shall be

credited in the books of the Divisional Board to the district and the amount of such credit shall from and after the expiration of the third year after the year in which the division was formed be available for the provision of educational facilities and equipment not ordinarily furnished by the Divisional Board and which are required to be furnished by the resolution of the board of trustees of the district;

- (b) all the liabilities of each district included in the division shall be payable by the Divisional Board out of the funds of the Board:

Provided always that in case the liabilities of a district exceed its assets exclusive of its school site, school buildings, teacherage and school equipment, the equalization grants payable in respect of the district and all arrears of taxes owing to the district shall be used for the purpose of paying the amount of the deficiency or for the purpose of reimbursing the Divisional Board for payments made by the Board on account of the said liabilities;

- (c) the Board of Trustees of each school district included in the division shall cease to have any of the powers, duties and functions conferred upon a Board of Trustees by this Act and shall, as and from and after the said day, have the following powers and duties, namely,—

*Repealed*

New powers and duties of Boards of Trustees

- (i) to appoint a chairman and an honorary secretary-treasurer;
- (ii) subject to any regulations of the Divisional Board, to have the care and management of the property of the school district;
- (iii) to make representations to the Superintendent of the division as to the maintenance, repair and extension of the school and other buildings of the district and any furniture and equipment therein;
- (iv) to raise money by voluntary subscription or by other voluntary means for the purpose of providing equipment approved by the Superintendent which is not ordinarily provided by the Divisional Board;
- (v) to require the Divisional Board to furnish at the expense of the district apparatus or equipment for the school of the district which is not ordinarily provided by the Divisional Board for the schools in the division;
- (vi) at the cost of the division to make arrangements for the supply and maintenance of drinking water and of fuel for the school of the district as may be prescribed by the Divisional Board and to cause the same to be duly carried out;

- (vii) at the cost of the division to provide suitable toilet and sanitary accommodation in the school building, or in the alternative separate buildings for privies for boys and girls, which buildings shall be erected in the rear of the school house at least ten feet apart, with their entrances facing in opposite directions or otherwise effectually screened from each other;
- (viii) to co-operate with the teacher in the care, management and supervision of school property and subject to any regulations of the Divisional Board and at the cost of the division to effect any emergency repairs thereto which may be necessary;
- (ix) to make such representations to the Superintendent and to the Divisional Board as to the betterment or extension of the educational facilities for residents of the district;
- (x) in case it desires so to do, to nominate by resolution one or more persons for employment by the Board as teacher in the school of the district;
- (xi) to meet at the call of any two trustees for the purpose of the consideration of any matter of educational concern to the district and to call annual and other meetings of the electors of the district whenever required so to do by law;
- (xii) to make provision for the holding of elections of trustees and the election of members of the Divisional Board in accordance with the provisions of this Act;
- (xiii) to perform such other duties as may be required by this or any other Act or the regulations of the Department. [1937, c. 40, s. 28.]

Powers and  
duties of  
Divisional  
Board

**249.**—(1) It shall be the duty of every Divisional Board, and it shall have power,—

- (a) to exercise a general supervision and control over the schools of the division;
- (b) to provide offices and office equipment suitable to the needs of the division and to engage a secretary-treasurer and other necessary clerks and servants, with power to discharge them, and to prescribe their duties and fix their remuneration, and to provide for the expenses incidental to the discharge of any of the duties of the Board;
- (c) to pay to each member of the Board the sum of not more than five dollars per day for each meeting, but not exceeding ten meetings in any one year, together with an allowance of not more than eight cents per mile for every mile necessarily travelled in coming to and returning from meetings of the Divisional Board;

- (d) to provide and appoint, for schools of districts comprised in the division, duly qualified teachers under a contract in writing in the form prescribed by this Act and to forward to the Department a true copy thereof;
- (e) to confer with and consult the Superintendent concerning the educational problems and needs of the division and to consider any recommendations which the Superintendent may make with regard thereto;
- (f) to provide, with the approval of the Superintendent, when deemed expedient, at what times pupils may be admitted to Grade I;
- (g) to make, where necessary, provision for the attendance of pupils at schools outside of the district in which their parents or lawful guardians reside, and for the payment to a parent or lawful guardian of a reasonable sum on account or in lieu of the cost of a pupil's conveyance;
- (h) to provide for the enforcement of *The School Attendance Act* and to appoint such attendance officers as the Board may consider necessary or the Minister may require;
- (i) to suspend or expel from the school any pupil who upon investigation by the Board is found to be guilty of open opposition to authority, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school;
- (j) to prepare and adopt a salary schedule applicable to all classes of teachers employed in the schools of the division;
- (k) to pay every month the salaries of all teachers in its employ;
- (l) to insure and keep insured all school buildings and equipment;
- (m) to select and provide from the list authorized by the Minister all such reference books for the use of the pupils and teachers, and all such globes, maps, charts, and other apparatus approved by the inspector as being required for the proper instruction of pupils;
- (n) to allow students enrolled in the normal schools to attend any class-room of any public or separate school in the district at any time while it is in session, for the purpose of observation and practice teaching;
- (o) to cause to be erected and maintained on the school grounds a flag-pole, with all requisite attachments for raising and lowering a flag, and to furnish a flag which shall be the British Union Jack, to be not less than four feet long and not less than two feet wide, and to cause the said flag to be displayed from

such flag-pole upon all such days as may be prescribed by regulation, and when not so displayed to be hung upon the wall inside the school room;

- (p) to make regulations for the management of the school, subject to the provisions of this Act, and to communicate them in writing to the teacher;
- (q) to see that the school is conducted according to the provisions of this Act and the regulations made pursuant thereto;
- (r) to see that the law with reference to compulsory education is observed;
- (s) to settle all disputes arising in relation to the school between the parents or children and the teacher;
- (t) subject to the provisions of this Part, to have and exercise all of the powers and duties conferred or imposed by this Act on the Board of Trustees of a school district.

Religious  
Instruction

(2) In case the Board of a school district in the division passes a resolution requesting that religious instruction be provided subject to the provisions of sections 147, 148 and 149 of this Act in any school in that district and transmits a copy of such resolution to the Divisional Board, it shall be the duty of the Divisional Board to appoint to that school a teacher nominated by the trustees of the district.

Primary  
French  
courses

(3) If the Board of a school district in a division passes a resolution requiring that a primary course in French be given in a school in the district and transmits a copy of the resolution to the Divisional Board, it shall be the duty of the Divisional Board to appoint to that school a teacher nominated by the Board of the district.

Instruction  
and equip-  
ment not  
ordinarily  
provided

(4) In case the Board of Trustees of any school district included in a division passes a resolution requiring the Divisional Board to provide at the cost of the district apparatus or equipment which is not ordinarily provided by the Divisional Board for the schools in the division the Divisional Board shall upon receipt of a copy of such resolution proceed to comply therewith.

(5) In case the Board of Trustees of any school district included in the division passes a resolution requiring the Divisional Board to make provision for the payment of the expenses incidental to the membership of the district in The Alberta Trustees Association at the cost of the district, the Divisional Board shall upon receiving a copy of such resolution proceed to comply therewith. [1937, c. 40, s. 29.]

Dis-  
cretionary  
powers of  
Divisional  
Board

**250.** A Divisional Board shall at its discretion have power,—

- (a) to determine what school any of the children of the division shall attend;
- (b) to employ such physicians, dentists and nurse and clinics as may be deemed requisite to care for the

health of pupils and advise parents and the said Board with respect thereto; and to take such steps and make such expenditures as it may deem necessary to safeguard the health of pupils;

- (c) to exclude from attendance at a school any pupil who, in the judgment of the Superintendent, is so mentally deficient as to be incapable of responding to class instruction by a skilful teacher, or whose presence is detrimental to the education and welfare of other pupils in attendance at the school, subject, however, to the right of an appeal by the parent or lawful guardian of such pupil to the chief inspector, whose decision shall be final;
- (d) to pay the expenses of any members of the Divisional Board, or of any officials thereof, incurred in attending any convention of school trustees or any other educational convention or conference;
- (e) subject to section 159 of this Act, to suspend or dismiss summarily any teacher for gross misconduct, neglect of duty or for refusal or neglect to obey any lawful order of the Board, and to report every suspension or dismissal to the Department in writing with a full statement of the circumstances;
- (f) to employ specially qualified teachers to encourage and direct instruction in manual arts, household economics, physical training, music, art, or other branches of the public or high school course of study throughout the schools of the division;
- (g) to furnish the pupils with luncheon at the noon hour, either free of charge or at a price to be fixed by the Board;
- (h) to furnish the pupils with text-books, exercise books, pens, pencils and other supplies, either free of charge or at a price to be fixed by the Board.

*Amended* (i) - Secretary of local board - 1910

**250a.**—(1) No member of a Divisional Board shall enter into any contract in which he has any pecuniary interest with the Board of which he is a member, in his own name or in the name of another, alone or jointly with another, and every contract so entered into shall be null and void.

Prohibition of certain contracts by members of Divisional Board

(2) No member of a Divisional Board shall receive payment for any work done or for materials supplied to any person in connection with any contract awarded or purchases made by the Board whilst such person was a member of the Board.

(3) A member of the Board violating the provisions of this section shall *ipso facto* vacate his seat, and it shall be the duty of the remaining members of the Board to declare his seat vacant.



(4) A member of a Divisional Board violating the provisions of this section shall also be liable upon summary conviction to a fine of not more than twenty-five dollars and costs and in default of payment to a term of imprisonment of not more than thirty days.

(5) Nothing in this section shall prevent a member of a Divisional Board from receiving,—

- (a) remuneration from the Board as secretary, treasurer, janitor, local attendance officer, assessor or collector; or
- (b) the purchase price of a school site; or
- (c) a sum not exceeding ten dollars in any one year for labour or goods supplied; or
- (d) reasonable allowances for travelling expenses and subsistence when engaged away from his place of residence on business of the Board authorized by a resolution of the Board. [1937, c. 40, s. 30.]

Powers and liabilities of division and Divisional Board

*(2) New*  
**250b.** Subject to the other provisions of this part every school division and every divisional board shall possess and exercise all the rights, powers and privileges, and be subject to the same liabilities and method of governments as is provided in this Act in respect of public school districts.

[1937, c. 40, s. 30.]

Agreements for inclusion of town, village, consolidated and separate school districts

**251.** Subject to the other provisions of this Act the Board of a division may enter into an agreement with the Board of any town, village, consolidated or separate school district for the inclusion of any such school district in the division upon such terms as may be agreed upon, including provisions as to the rate of taxation to be imposed on the ratepayers of the district or any part thereof.

Copy of agreement to Minister

**252.** The Board of each district which has entered into any such agreement shall forward a copy thereof to the Minister.

Approval of Minister

**253.—(1)** In the event of the Minister approving the agreement, the Board of the district shall cause to be prepared in a form prescribed by the Minister, a notice to the effect that unless the Minister receives within twenty-one days after the date of the posting of the notice a demand in writing for the taking of a vote for or against the inclusion of the school district in the division from twenty-five per cent of the electors of the district, and the Board shall cause a copy of such notice to be posted up at not less than three conspicuous places in the district.

(2) In case no such demand as aforesaid is received by the Minister within twenty-one days after the date of posting the notices, the Minister may without any further notice or action by order include the district in the division.

[1937, c. 40, s. 31.]

**254.** In the event of a written demand, bearing the proper number of signatures, being delivered to the Minister within twenty-one days from the date of the posting of the notice, the Board shall, as soon as conveniently may be, cause a meeting of the electors in the district to be held to vote for or against inclusion in the school division.

Vote as to  
inclusion

[1937, c. 40, s. 32.]

**255.—(1)** All the provisions of this Act relating to the conduct of a first school meeting and the taking of a poll thereat, except such as relate to the election of trustees, shall apply to any meeting held pursuant to the provisions of this Part of this Act.

Provisions  
relating to  
meetings  
held under  
this Part

(2) Forthwith after every such meeting, the chairman thereof shall certify to the result of the poll in the form prescribed by the Minister, and shall place in an envelope the certificate, the poll list, ballots, declarations and all other records of the poll, and shall securely seal the same and shall send the same by registered mail to the Minister.

Proceedings  
at close of  
meeting

**256.** Upon being satisfied that the poll has been held substantially in accordance with the provisions of this Act and that a majority of the votes cast have been cast in favour of inclusion in the school division, the Minister may by order include the district in the school division.

Ministerial  
order to  
include  
district in  
school  
division

**257.** A notice of such order shall be published in *The Alberta Gazette* and upon such publication all the conditions precedent to the taking of the poll shall be deemed to have been fully complied with and the legality of such inclusion shall not be questioned in any way, and the terms of the said agreement shall be given full effect.

Publication  
of order

**257a.** Notwithstanding any other provisions of this Act, the fact that a village has been newly constituted in any school division at any time after the constitution of the division, shall not have the effect of removing from the division any school district which is wholly or partially within the corporate limits of any village so constituted, nor shall such fact affect any such school district, and every such school district shall continue as if such village had not been constituted.

Constitution  
of villages  
in school  
divisions

[1937, c. 40, s. 33.]

**258.** On or before the fifteenth day of February in each year, the secretary-treasurer of any municipal district within which any school district included in a division is situate, shall certify in writing under his hand to the secretary of the Divisional Board, the total gross value of all property which is within the municipal district and within any school district included in a division and which is liable to assessment and taxation under section 263 of this Act and section 5 of *The School Assessment Act, 1931*.

Annual  
certificate  
by municipal  
district of  
assessed  
values

[1937, c. 40, s. 34.]

intended

Annual  
certificate  
by Minister  
of Municipal  
Affairs of  
assessed  
values

*Amended*

**259.** The Minister of Municipal Affairs shall on or before the fifteenth day of February in each year certify under his hand to the secretary of the Divisional Board, the total gross value of all property which is within any improvement district and within any school district included in a division and which is liable to assessment and taxation under section 263 of this Act and section 5 of *The School Assessment Act, 1931.* [1937, c. 40, s. 35.]

Annual  
estimates of  
expenditures

*25-9a - New*

**260.** On or before the fifteenth day of March in each year the Divisional Board shall prepare and adopt,—

- (a) an estimate of expenditures for the current year for the provision for the ordinary and general educational requirements of all the school districts included in the division; and
- (b) a statement of any special expenditures incurred in complying with any resolution of the Board of Trustees of a school district included in the division requiring the provision at the expense of the district of any apparatus or equipment for the school of the district which is not ordinarily provided by the Board for the schools in the division or any resolution of the Board of Trustees of a school district requiring the provision by the Divisional Board of the expenses incidental to membership in The Alberta Trustees Association. [1937, c. 40, s. 36.]

Requisition  
to municipal  
districts and  
improvement  
districts for  
payment of  
rateable  
share

**261.—**(1) As soon as the Divisional Board has received the certificates as to assessed values from the secretary-treasurer and the Minister of Municipal Affairs, which are required by this Part to be furnished by them, it shall proceed to ascertain by comparison of the assessed values the part of its estimated general expenditure which should be borne by each municipality and improvement district in respect of each school district wholly or partially included therein and the part of any expenditure incurred in providing apparatus or equipment for a school district in compliance with a resolution of the Board of Trustees thereof requiring that the same be provided at the cost of the district, which should be borne and paid by each municipality and improvement district in which the said school district is included either wholly or in part, and shall thereupon requisition each such municipality and improvement district for the payment of its rateable share of the estimated and other expenditures aforesaid.

(2) In this section "Municipality" means any city, town, village or municipal district. [1937, c. 40, s. 37.]

Payment  
of sum  
requisitioned

**262.—**(1) Each municipality and the Minister of Municipal Affairs shall pay to the Divisional Board the amount of the sum so requisitioned by equal quarterly payments on the first day of each of the months of April, July, October and January.

(2) In this section "Municipality" means any city, town, village or municipal district. [1937, c. 40, s. 38.]

**262a.**—(1) The Board of a division may by resolution require and authorize any municipality within which is situate any school district or portion of a school district, which prior to its inclusion in the school division collected its own taxes, to collect all arrears of taxes owing to any such school district which are levied at any time prior to the inclusion thereof in the division and which are not subject to the provisions of *The Tax Recovery Act*, and upon the receipt by the secretary of the municipality or by the Minister of Municipal Affairs in respect of an improvement district, of a copy of any such resolution together with all requisite information as to the nature and amount of such arrears of taxes, it shall be the duty of the municipality and the municipality is hereby empowered to enforce the payment of such arrears as if the same were arrears of taxes which had been duly levied by the municipality for the purpose of the municipality under the statute governing the municipality, and the municipality shall cause a report to be made to the Divisional Board of all collections of arrears of taxes so made and a remittance of all taxes so collected, in the months of January, April, July and October, for and in respect of the period immediately preceding the month in which the report and remittance are made.

Requisitions  
of Divisional  
Board on  
municipal-  
ities

(2) In this section "Municipality" means any city, town, village or municipal district or improvement district.

[1937, c. 40, s. 39.]

**263.**—(1) In the case of a school district which is included in a division and is situated wholly or partially within an improvement district the Minister of Municipal Affairs is empowered, and it shall be his duty, to levy the amounts for the payment of which requisitions are made by the Divisional Board in pursuance of this Part against the property and businesses in the school district which are liable to assessment and taxation and for the purpose of making and enforcing such levy the Minister of Municipal Affairs shall have the same powers of levying and collecting as are conferred upon him by *The Improvement Districts Act, 1927*, for the levy and collection of taxes payable under that Act.

Levying and  
collection of  
amounts  
requisitioned  
in school  
district  
included in  
improvement  
district

(2) In the case of a school district which is included in a division and is situated either wholly or partially in an improvement district, the property in such school district so situated liable for assessment and taxation in respect of the requisitions made by the division, shall be the property declared to be liable to assessment and taxation by section 5 of *The School Assessment Act, 1931*, and all the provisions of Part I to V of that Act shall be applicable thereto; provided that for the purposes of this Act the expressions "Board of Trustees", "Assessor", "Treasurer", "Secretary-Treasurer" and "Court of Revision", used in any of the said

Parts shall mean any person designated by the Minister of Municipal Affairs as the person to discharge the powers, duties and functions of the Board of Trustees, Assessor, Treasurer, Secretary-Treasurer and Court of Revision, respectively by the said Parts or any of them.

(3) In the case of a school district which is included in a division and is situated either wholly or partially in a municipal district the property in such school district so situated liable for assessment and taxation in respect of the requisitions made by the division, shall be the property declared to be liable to assessment and taxation by section 5 of *The School Assessment Act, 1931*, and all the provisions of Parts I to V both inclusive of that Act shall *mutatis mutandis* be applicable thereto; provided that for the purpose of this Act, the expressions "Board of Trustees" and "Board" used in any of the said Parts means the council of the municipal district; the expression "Assessor" means the assessor of the municipal district; the expression "Court of Revision" means the council of the municipal district; and the expressions "Treasurer" and "Secretary-Treasurer" means the secretary-treasurer of the municipal district; and the council of every such municipal district shall and it is hereby empowered to levy the amounts for the payment of which requisitions are made pursuant to this Part against the property in the school district liable to assessment and taxation, and for the purpose of making such levy all the provisions of *The Municipal District Act* relating to the levy and collection of the ordinary taxes of the district shall apply to the levy and collection of all taxes levied pursuant hereto, in every way as if the last mentioned taxes were the taxes ordinarily levied by the municipal district for the purposes of the municipal district:

Provided further that section 372 of *The Municipal District Act* shall not apply to requisitions made by the Board of a division, but for the purposes of sections 373, 374 and 375 of that Act shall apply to every requisition made pursuant to this Part as if such requisition had been made pursuant to *The School Assessment Act, 1931*.

(4) In the case of any school district which is included in a division and is situated either wholly or partially within a municipality which is a city, town or village, such municipality is empowered and it shall be its duty to levy the amounts for the payment of which requisitions are made by a Divisional Board in pursuance of this Part against the property and businesses in the school district which are liable to assessment and taxation; and for the purpose of making and enforcing such levy the municipality shall have the same powers of levying and collecting the same as are conferred upon the municipality by the statute governing the municipality for the levying and collecting of taxes payable under such statute.

(5) All taxes levied in respect of any requisition in pursuance to this Part shall be deemed to be taxes for the purpose of any Act for the recovery of taxes which is applicable to the recovery of the taxes of the city, town, village, municipal district or improvement district, by which the first mentioned taxes are levied.

(6) For all the purposes of this section, in the years 1937 and 1938, the assessed value of lands and all improvements thereon shall be the assessed value thereof as shown by the revised assessment roll of the municipal district or improvement district as the case may be, for the year 1936.

[1937, c. 40, s. 40.]

**263a.** The Secretary of the Board of a division shall deliver to the Secretary-Treasurer of every municipal district, the last revised assessment roll or a true copy thereof of every school district which is included in the division and which is situate either wholly or partially within the municipal district, and shall deliver to the Minister of Municipal Affairs the assessment roll or a true copy thereof of any school district included in the division which is situate either wholly or partially within an improvement district.

Duty of secretary of Board as to assessment roll in the case of municipal districts and improvement districts

[1937, c. 40, s. 41.]

**263b.** The Minister of Municipal Affairs is hereby empowered to borrow from time to time, from any chartered bank, or the Provincial Treasurer, or any other person, on the security of the taxes levied by him, pursuant to Part 17 of this Act, such sums as may be required for the purpose of paying any sum due to the Board of any School Division requisitioned by such Board against any Improvement District.

Minister of Municipal Affairs empowered to borrow money

[1937, c. 40, s. 42.]

**264.** The Divisional Board may from time to time with the consent of the Minister borrow from any Person, Bank or Corporation any sum or sums required for the purpose of meeting its current requirements, and may charge any sums of money which are for the time being due or accruing due to the Board, including any sums payable or to become payable to the Board on account of any requisition made by the Board pursuant to this Act with the repayment of any sum or sums so borrowed, provided always that any borrowings so made shall not exceed the aggregate amount payable or to become payable to the Board by virtue of such requisitions.

Temporary borrowings

[1937, c. 40, s. 43.]

**265.** A Divisional Board may from time to time borrow upon the security of the division any sum or sums required for the purpose of providing school accommodation in the division by acquiring sites for and building or purchasing and furnishing schools, or by adding one or more rooms to an existing school, and for the provision and furnishing of dormitories in connection with any such school.

Borrowings for school accommodation

Debenture  
by-laws

**266.** All the provisions of this Act relating to the issuing of debentures by a school district shall apply *mutatis mutandis* to the issue of a debenture by a school division, subject to the provisions following, namely,—

- (a) It shall not be necessary to submit the by-law authorizing the debenture to the electors, provided that the total amount of the debenture borrowings of the division in the year does not exceed twenty thousand dollars;
- (b) A poll of the electors of the division for and against the by-law shall not be held unless the demand is signed by twenty electors of the division;
- (c) The secretary of the division shall be the returning officer for the purpose of taking a poll, and the secretary of each school district comprised in the division shall be the deputy returning officer for each such district;
- (d) The poll shall be held on such date as may be specified by the returning officer in the notice of the poll;
- (e) It shall be the duty of each deputy returning officer to conduct the poll in his own district;
- (f) The proceedings from and after the close of the poll shall be the same as are provided in this Act in the case of an election of a member of a Divisional Board.

Superin-  
tendent of  
division

Duties of  
Superin-  
tendent

*266a - new*  
**267.**—(1) Upon the constitution of a division the Minister shall appoint a Superintendent for the division.

(2) It shall be the duty of every such Superintendent to confer with the Board of the division as to the educational requirements of the division and to advise the Board thereon; to attend all meetings of the Board, and subject to the direction of the Board to exercise general supervision over all schools and teachers under the jurisdiction of the Board; and to assist the Board in the discharge of its duties.

Duties of  
Secretary of  
Divisional  
Board

**267a.** The Secretary of a Divisional Board shall be responsible to the Board through the Superintendent for the performance of his duties, which shall be as follows:—

- (a) to receive all moneys payable to the Divisional Board and to disburse such moneys in the manner directed by the Board;
- (b) to pay all accounts payable by the Board when the same have been certified either by the chairman of the Board or by some person other than the chairman authorized by resolution of the Board to certify accounts for payment;
- (c) to keep a complete and detailed record of all the financial transactions of the Board;
- (d) to give and take receipts for all moneys received or paid out and to keep on file all vouchers of expenditure;

- (e) to close and balance the books of the division on the thirty-first day of December in each year;
- (f) to produce upon demand by the Board or the Superintendent or other competent authority, all books, vouchers, papers and money belonging to the Board and to hand over the same to the Board or any person named by the Board upon his ceasing to hold office;
- (g) to make such reports and statements and to do such acts and things as the Secretary of the Board is required to do by this Act;
- (h) to keep accurate minutes of the proceedings of all meetings of the Divisional Board;
- (i) to comply with any lawful directions which may be from time to time given by the Board and communicated to him by the Superintendent as to the execution of his duties, and to carry out any duty which may be lawfully assigned to him by the Board.

[1937, c. 40, s. 44.]

**268.** The grants which but for this Part would be payable to the Board of a district under *The School Grants Act* in respect of any school comprised in a division shall be paid to the Divisional Board:

Grants payable to Divisional Board

Provided that in respect of the first year of the operation of a Division, the grants payable to the Division shall not be less than the total grants earned by all the school districts included in the Division in the immediately preceding year.

[1937, c. 40, s. 45.]

**269.—(1)** The Minister may from time to time by order make regulations governing procedure to be followed in respect of any proceeding or thing authorized by this Part in any case where the express provisions of this Act are in the opinion of the Minister insufficient or inapplicable.

Regulations as to procedure

(2) Every order made pursuant to this section shall be published in *The Alberta Gazette* and upon such publication shall have the same force and effect as if the same had been enacted by this Act.

Publication of orders

(3) In case default is made in electing any member of the Board of a division or a trustee of a school district contained in a division or in making the appointment of any officer which any such Board is required to make by this Part, the Minister may by writing appoint a person as a member of the Board, trustee of the school district or officer, as the case may be, and the person so appointed shall hold office for the same term and subject to the same conditions as if he had been duly elected or appointed pursuant to the other provisions of this Part.

Ministerial power to appoint in cases of default



"Protestant  
School  
District"

"Roman  
Catholic  
School  
District"

Vote for  
exclusion of  
certain  
included  
districts by  
order of  
Minister

Poll of  
electors

Order for  
exclusion

Contents  
of order

Publica-  
tion in  
*The Alberta  
Gazette*

Consequence  
of exclu-  
sion order

270.—(1) In this section,—

- (a) "Protestant School District" means a school district included in a division in which district a majority of the electors are Protestants; and
- (b) "Roman Catholic School District" means a school district included in a division in which district a majority of the electors are Roman Catholic.

(2) In case the Board of Trustees of any Roman Catholic School District or Protestant School District in a division forwards to the Minister a certified copy of a resolution passed by that board requesting the exclusion of their school district from the division on account of dissatisfaction of the board with facilities for religious education, together with certified copies of resolutions passed by the boards of at least two other school districts in the same division approving the first mentioned resolution, the Minister shall by order direct the taking of a vote of the electors in that school district as to whether or not the district is to be excluded from the division and shall fix a date within the sixty days of the receipt by him of such certified copies for the taking of the vote, and shall send by mail to the secretary of such school district a copy of the order.

(3) Upon the making of such order it shall be the duty of the board of such district to hold a poll of the electors in the district wishing to be excluded upon the day fixed for that purpose in the order in the same manner as is provided by sections 179 to 193 of this Act subject to such modifications as may be prescribed by the Minister for the purpose of adapting the same.

(4) If, as a result of the vote so taken, there is a majority in favour of the exclusion of such district from the division, the Minister shall proceed, as soon as it may conveniently be done, to make an order for the exclusion of such district from the division to take effect not later than the thirty-first day of December following the taking of the vote.

(5) Such order shall prescribe and determine,—

- (a) the properties which shall be transferred by the Divisional Board to the Board of Trustees of such excluded district; and
- (b) the liabilities of the Divisional Board attributable to such excluded district which are in future to be borne and paid by that district.

(6) Every such order shall be published in *The Alberta Gazette*.

(7) Upon any order of exclusion taking effect,—

- (a) the liabilities of the Divisional Board attributable to such excluded district shall in future be borne and paid by the school district; and
- (b) the school district shall not be again included in a division unless a vote has been taken therein and

the inclusion is approved by a majority of the electors voting thereon, and the procedure for such inclusion under this subsection shall be regulated, in so far as possible, in the same manner as that provided for the exclusion of such district.

**271.** In the event of there being a conflict between the provisions of this Part or any regulation made pursuant to section 269 and any other provisions contained in this Act or in any other Act, then the provisions of this Part shall prevail. Prevalence of provisions of Part

**272.** Nothing in this Part shall affect any right conferred by Part I of this Act upon any minority of electors in any district, whether Protestant or Roman Catholic, to establish a separate school therein. Affect of Part on rights of minority of electors

SCHEDULE.

FORM A.

(1)

Proposed.....School District of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is a *bona fide* elector of the above named proposed school district.

Names	Property Owned or Occupied, or Residence

Witness to above signatures:

.....Chairman.  
 .....Secretary.

Dated the.....day of.....A.D. 19.....

FORM A.

(2)

Proposed.....Consolidated School District  
of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is a *bona fide* elector of the above named proposed consolidated school district.

Names	Property Owned or Occupied, or Residence

Witness to above signatures:

.....Chairman.  
.....Secretary.

Dated the.....day of.....A.D. 19.....

FORM B.

(1)

(This form should be used for an elector in any established district.)

The.....School District No.....  
of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is a *bona fide* elector of the above named school district.

Names	Property Owned or Occupied, or Residence

Witness to above signatures:

.....Chairman.  
.....Secretary.

Dated the.....day of.....A.D. 19.....

## FORM B.

(2)

(This form should be used for an elector in a district within a consolidated district.)

The.....School District No.....  
of the.....Consolidated School District  
No.....of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is a *bona fide* elector of the above named district of the said consolidated school district.

Names	Property Owned or Occupied, or Residence

Witness to above signatures:

.....Chairman.  
.....Secretary.

Dated the.....day of.....A.D. 19.....

## FORM D.

## POLL BOOK.

Election of Trustees for the.....S.D. No.....  
of the Province of Alberta.

Date of poll.....; Poll opened.....; Poll closed.....

Name of Voter	No.	Residence	Remarks

.....  
Chairman.

SCHOOLS

FORM E.

POLL BOOK.

Vote on debenture by-law submitted to the electors of  
 .....S.D. No.....of the Province of Al-  
 berta, on the.....day of.....19.....  
 Poll opened at.....a.m. Poll closed at.....p.m.

Name of Voter	Record of Votes		Remarks
	For by-law	Against by-law	

.....  
*Returning Officer.*

FORM F.

(This form should be used for a proprietary elector in any district.)

The.....School District No.....  
 (or the.....Consolidated School District  
 No....., or the.....Rural High School District  
 No.....), of the Province of Alberta.

The undersigned severally declare, each for himself or herself, that he or she is an elector of and liable to assessment and taxation for school purposes in respect of property situate in the.....School District No..... (*Where necessary add, being a district in the.....Consolidated School District No....., or in the.....Rural High School District No....., as the case may be*), and that he or she has not voted before at the taking of this Poll.

Names	Property liable to assessment and taxation

Witness to above signatures:

.....Chairman.  
 .....Secretary.

Dated the.....day of.....A.D. 19.....

## FORM G.

I, the undersigned, Justice of the Peace in and for the Province of Alberta, having received the poll book used to record the votes taken at the meeting held in the (*give name of school district in full*) on the.....day of....., 19....., on the question of the issue of debentures on the security of the said district and having heard all complaints relative to the conduct of the voting, beg leave to submit the following return of the votes:

Total number of votes taken		Number of votes on each side after the recount	
For	Against	For	Against

.....  
J.P.

Dated at.....this.....day  
of....., A.D. 19.....

## FORM H.

NOTICE OF TERMINATION OF CONTRACT BETWEEN THE BOARD  
AND TEACHER TO TAKE EFFECT IN MONTH OF JULY.

.....  
(Post Office Address)

.....  
(Date of giving notice,  
which shall not be later  
than the 20th June of the  
current year.)

Dear Sir (or Madam) :

Pursuant to a resolution passed by the Board of Trustees of the.....School District of the Province of Alberta No.....at a meeting of the Board held on the.....day of....., 19....., I hereby notify you that your services as teacher of the school in this district will not be required after the .....day of July, 19..... (insert day of the month on which termination is to take effect which day must be not less than thirty days after the day on which the notice is mailed or handed to the teacher). (See section 157.)

Yours truly,

.....  
Secretary-Treasurer.

FORM I.

The School Division of.....  
Nomination of Candidate for Election as a Member of the  
Board of the said Division.

We, the undersigned, do hereby nominate.....  
..... of .....  
(Name of Candidate). (Post Office Address).

an elector of the School District of.....  
No....., of the Province of Alberta, a school  
district included in subdivision No.....of the  
said division, as a candidate for election as a member of the  
Board of the said division for the said subdivision.

Dated this.....day of....., 193.....

.....  
A delegate for the said subdivision.

.....  
An elector of the School District of  
.....included in the said  
subdivision.

FORM K.

The School Division of.....  
I, the undersigned, .....  
(Name)

of .....  
(Post Office Address) (Occupation)

do hereby certify that I am an elector of the School District  
of....., No....., of the  
Province of Alberta, a school district included in subdivi-  
sion No....., of the said Division, that I am a British  
subject, that I am able to read and write and do hereby con-  
sent to my being nominated as a candidate for election as a  
member of the board of the division.

Dated this.....day of....., 193.....

.....  
Signature of Candidate.

## PART II OF THE SCHEDULE.

Table of Fees.  
Non-Resident Pupils.

Table of fees for courses partially in Grades X and XI (or equivalent commercial and technical courses) and partially in Grade XII (or equivalent commercial or technical courses) showing the amounts chargeable to the school district and to the parent or guardian respectively.

8 UNIT COURSE—TOTAL FEES \$40.00.			
Number of Units Taken		Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian.
Grades X, XI, First Year Commercial Course, Second Year Commercial Course, First Year Technical Course, Second Year Technical Course.	Grade XII Third Year Commercial Course, Third Year Technical Course.		
7	1	\$30.00	\$10.00
6	2	27.00	13.00
5	3	22.50	17.50
4	4	18.00	22.00
3	5	13.50	26.50
2	6	9.00	31.00
1	7	4.50	35.50

7 UNIT COURSE—TOTAL FEES \$40.00.			
Number of Units Taken	Number of Units Taken	Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian.
6	1	\$30.00	\$10.00
5	2	25.00	15.00
4	3	20.00	20.00
3	4	15.00	25.00
2	5	10.00	30.00
1	6	5.00	35.00

6 UNIT COURSE—TOTAL FEES \$35.00.			
Number of Units Taken	Number of Units Taken	Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian.
5	1	\$25.00	\$10.00
4	2	20.00	15.00
3	3	15.00	20.00
2	4	10.00	25.00
1	5	5.00	30.00

5 UNIT COURSE—TOTAL FEES \$30.00.			
Number of Units Taken	Number of Units Taken	Fees Chargeable to S.D.	Fees Chargeable to Parent or Lawful Guardian.
4	1	\$20.00	\$10.00
3	2	15.00	15.00
2	3	10.00	20.00
1	4	5.00	25.00



4 UNIT COURSE—TOTAL FEES \$25.00.

3	1	\$15.00	\$10.00
2	2	10.00	15.00
1	3	5.00	20.00

3 UNIT COURSE—TOTAL FEES \$20.00.

2	1	\$10.00	\$10.00
1	2	5.00	15.00

2 UNIT COURSE—TOTAL FEES \$15.00.

1	1	\$5.00	\$10.00
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FEES FOR PARTIAL COURSES.

Grades X, XI, First Year Commercial Course, Second Year Commercial Course, First Year Technical Course, Second Year Technical Course (1 to 5 Courses). \$5.00 per unit.

Grade XII, Third Year Commercial Course, Third Year Technical Course (1 to 6 Courses). \$10.00 for first unit and \$5.00 for each unit thereafter.

# The School Assessment Act, 1931

Being Chapter 33 of the Statutes of Alberta, 1931,  
with amendments up to and including 1937.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Alberta,  
enacts as follows:

1. This Act may be cited as "*The School Assessment Act*," <sup>Short title</sup>  
1931.

2. In this Act, unless the context otherwise requires,— <sup>Interpreta-</sup>

- (a) All words, names and expressions shall have the same meaning as is expressly or impliedly attached to them by *The School Act*;
- (b) "Collecting rural district" shall mean a rural district no part of which is within a municipal district;
- (c) "Land" shall mean land, tenements and hereditaments and any estate or interest therein;
- (d) "Mineral" shall include coal, but shall not include natural gas, petroleum, gasolene or any oil of a mineral nature;
- (e) "Municipal unit" shall mean a municipal district or an improvement district;
- (f) "Occupant" shall mean the inhabitant occupier of any land, or, if there be no inhabitant occupier, the person entitled to the possession thereof and the leaseholder or holder under agreement for lease and holder under agreement for sale and any person having or enjoying in any way or for any purpose whatsoever the use of land;
- (g) "Owner" shall mean any person who is registered under *The Land Titles Act* as the owner of land;
- (h) "Part-collecting rural district" shall mean a rural school district which is partly within one or more municipal districts, and partly within one or more improvement districts;
- (i) "Personal property" shall mean all goods and chattels;
- (j) "Timber licensee" shall include a holder of a license of a timber berth or of a permit to cut timber, from the Dominion of Canada or from the Province, or having an agreement with either which confers a right to cut timber;

Farm land

(k) "Farm land" shall mean,—

- (i) any parcel of land which is used for farming purposes and in respect of which no plan of subdivision has been filed under the provisions of *The Land Titles Act*, but shall not include a parcel of twenty acres or less in extent unless the owner or tenant thereof derives his livelihood mainly from the use of such land;
- (ii) Any parcel of land more than twenty acres in extent in respect of which a plan of subdivision has been filed in the Land Titles Office, which is used for farming purposes by an owner or tenant who derives his livelihood mainly from the use of such land. [1937, c. 38, s. 2.]

## PART I.

ASSESSMENT IN DISTRICTS OR PARTS OF DISTRICTS THAT  
MAKE THEIR OWN ASSESSMENT.Applicability  
of sections  
4 to 43

3. For the purposes of assessment and taxation the following sections, 4 to 43, shall apply to each and every—

- (a) village district;
- (b) consolidated district;
- (c) collecting rural district;
- (d) part-collecting rural district in respect of that portion of its area which is not located within a municipal district;
- (e) district which is empowered by the Minister under this Act to make an assessment and levy taxes in respect of its whole area.

Appointment  
of assessor  
and prepara-  
tion of  
assessment  
roll

4.—(1) In each year the board of trustees shall appoint an assessor and in the manner herein provided shall cause to be prepared an assessment and tax roll which may be in Form A in the Schedule hereto.

(2) The secretary or any member of the board or any other person may be appointed assessor.

Property  
subject to  
assessment

5.—(1) All property not herein declared to be exempt from assessment shall be subject to assessment and taxation for school purposes.

Exemptions

(2) The following property shall be exempt from assessment:

- (a) All the property held by His Majesty or for the public use of the Province;
- (b) All property held by or in trust for the use of any tribe of Indians;

- (c) The buildings and grounds of all public and separate schools and the personal property belonging to the same if it is used exclusively for school purposes and under the management of the Department;
- (d) Any building used for church purposes, and not used for any other purpose for hire or reward, and the lot or lots whereupon it stands, not exceeding one-half acre, except such part as may have any other building thereon;
- (e) Land not exceeding two acres in extent—
  - (i) which forms the site of any building used solely for community purposes, together with such building; or
  - (ii) which is used solely for community games, sports, athletics, or recreation;
- (f) Any land in use as a public cemetery, not exceeding twenty-five acres;
- (g) The land of agricultural societies organized under *The Agricultural Societies Act*;
- (h) The land to the extent of twenty-five acres held by or for the use of any hospital which receives a government grant;
- (i) The annual income of any person derived from any source;
- (j) Grain, hay, household effects of every kind, books, and wearing apparel;
- (k) All growing crops;
- (l) Farm buildings and other farm improvements on farm land and live stock, farm implements and vehicles used or kept on farm land;
- (m) The increase in the value of the land by reason of the annual cultivation thereof or by reason of the cultivation of trees;
- (mm) The part of the cost of any irrigation or drainage project properly attributable to any parcel of land whether there has or has not been any immediate or direct expenditure of labour or capital upon the parcel;
- (n) All land covered with water which is in the course of being reclaimed under any plan or scheme authorized by the Government of Alberta or the Government of Canada;
- (o) All works constructed, operated and used in connection with the irrigation ditches, as well as the ditches themselves, operated under and subject to the provisions of *The Irrigation Districts Act, 1920*:  
Provided, however, that should any such works and ditches cease to be operated throughout one year, then they shall not be exempt from taxation during the year following that in which they were not operated.

- (p) Any property assessable under *The Electric Power Taxation Act* and *The Pipe Lines Taxation Act*;
- (q) Money, bank notes, cheques, bills of exchange, promissory notes and choses in action;
- (r) Premises owned by any branch or local unit of the Canadian Legion, the British Empire Service League, the Army and Navy Veterans Association, and any other organization of returned soldiers from time to time approved by the Minister and used exclusively for the purposes of that branch or local unit.

Assessment  
of occupants  
of certain  
exempted  
lands

(3) Where any person is occupant of or interested in any property mentioned in paragraph (a) or (b) of the next preceding subsection, otherwise than in an official capacity, such occupant or person interested shall be assessed in respect thereof, but the property itself shall not be liable beyond the interest of the person assessed:

Grazing  
leases

Provided, however, that in the case of land held under grazing lease or permit from the Government of Alberta or the Government of Canada, no tax shall be payable by any person, as such occupant or person interested, in respect of his interest therein under such grazing lease or permit.

Separate  
assessment  
of minerals

(4) Any mineral or minerals in or on any land shall be assessed separate from the land at its or their fair actual value.

And of  
timber

(5) The growing timber upon any land which is held by any person as a timber licensee shall be separately assessed at its fair actual value.

[1932, c. 35, s. 2; 1933, c. 22, s. 2; 1937, c. 38, s. 3.]

Preparation  
of assessment  
roll

**6.—**(1) As soon as may be in each year after the first day of March, and not later than the fifteenth day of October, the assessor, according to the best information available, shall place on the assessment portion of the assessment and tax roll a list of all assessable property in the district, the assessed values thereof, the names of the owners and occupants or owners and persons in possession thereof, and any other particulars that may be necessary.

(2) Except in the case of the establishment of a district after the last day of June in any year, any land which becomes liable to assessment for the first time after that date shall not be assessed until the following year.

(3) Notwithstanding the foregoing in the case of the establishment of the district, the assessor shall proceed with the preparation of the assessment and tax roll in the manner prescribed by subsection (1) immediately upon the establishment of the district. [1936, c. 86, s. 2; 1937, c. 38, s. 4.]

Waiver of  
exemption

**7.** Any person owning or occupying property exempt from assessment may waive his exemption and notify the assessor in writing, at least ten days before the completion of the roll, to assess him for such property in order that he may thereby be qualified for voting or holding office.

8. Subject to the provisions of sections 9 and 10 hereof, all assessable property shall be assessed at its fair actual value.

Assessable  
value

9. In a collecting rural district which is entirely within one improvement district, and in a part-collecting rural district when that portion of its area which is not within a municipal district is entirely within one improvement district, the assessed value of each parcel of land as fixed pursuant to *The Alberta Municipal Assessment Commission Act* shall be taken as the assessed value thereof for school assessment purposes, and there shall be no appeal therefrom.

Assessment  
under *The  
Alberta  
Municipal  
Assessment  
Commission  
Act* in  
certain  
districts

[1936, c. 35, schedule.]

10. In a collecting rural district which is not entirely within one improvement district, and in a part-collecting rural district when that portion of its area which is not within a municipal district is not entirely within one improvement district, the assessed value of each parcel of land as fixed pursuant to *The Alberta Municipal Assessment Commission Act* shall be taken as the assessed value thereof for school assessment purposes, and there shall be no appeal therefrom:

And in  
certain other  
districts

Provided, that if dissatisfaction with regard to such value is expressed by any one of the following methods:

Subject to  
assessment  
by assessor  
in certain  
events

- (a) By a motion passed at the annual meeting;
- (b) By delivery to the board of a notice in writing signed by at least ten or a majority of the electors of the district prior to the first day of February;
- (c) By delivery to the board of a notice in writing signed by at least a majority of the electors in any part of the district which is within one municipal unit prior to the first day of February,—

the board shall direct the assessor to assess each parcel for school assessment purposes for the current year and for each succeeding year in which the assessment equalized and established pursuant to *The Alberta Municipal Assessment Commission Act* continues in force, in the manner mentioned in section 8 hereof.

[1936, c. 35, schedule.]

11. If an assessment is made under either of the two preceding sections by adopting the assessed values as fixed pursuant to *The Alberta Municipal Assessment Commission Act*, and if any parcel of land upon which no valuation pursuant to *The Alberta Municipal Assessment Commission Act* has been placed, is or becomes assessable for school purposes in any year, the board shall direct the assessor to assess such parcel for school purposes at such value as shall bear a true and just proportion to the values at which the adjoining lands situated in the same municipal unit were assessed at the time of making the immediately preceding valuation pursuant to *The Alberta Municipal Assessment Commission Act*.

Direction by  
board to  
assessor

[1936, c. 35, schedule.]

Assessment  
of stocks in  
trade

**12.** In assessing stock in trade the assessor shall assess a person, firm or corporation for the amount of the monthly average stock in trade kept on hand by such person, firm or corporation during the twelve months immediately prior to the date of assessment; or in case such person, firm or corporation kept the stock in trade on hand for a shorter period than twelve months immediately prior to the date of the assessment then the monthly average stock in trade shall be computed with respect to the actual period such stock in trade was kept on hand.

Duty to  
furnish  
information  
to assessor

**13.** Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed, with such other information as to the owner, occupant, location and value or other necessary particulars which may be demanded, and if he fails to do so or knowingly makes any false statement, such person shall upon complaint of the assessor be liable on summary conviction to a fine not exceeding fifty dollars.

Default an  
offence

Penalty

Time for  
completion  
of assessment  
portion  
of roll

Certification  
by assessor

Delivery to  
secretary

Evidential  
value of  
certified roll

Filing of  
certified  
roll

Suspension  
of roll

**14.**—(1) The assessment portion of the assessment and tax roll shall be completed by the first day of April or so soon thereafter as may be in each year, and when completed the assessor shall certify, by a memorandum inscribed thereon and signed by him, that the statements contained therein are correct to the best of his knowledge and belief.

(2) If the assessor is not the secretary, the roll when so certified shall be delivered by the assessor to the secretary.

(3) When so certified, the assessment portion of the roll shall be *prima facie* evidence of the statements therein contained.

**15.** After the roll has been certified by the secretary or has been received by him from the assessor, he shall file the same and endorse thereon the date of such filing.

**16.** The secretary shall until the sitting of the court of revision keep the roll open at all reasonable times to the inspection of all persons residing, or owning, or in the possession of property, within the district and the agents of such persons appointed in writing.

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## PART II.

### COMPLAINTS AND APPEALS.

Sitting of  
board as  
court of  
revision

**17.** Within ten days after the filing of the roll the board shall meet, and set a day, hour and place when it shall sit as a court of revision, and such day shall be not less than thirty days nor more than forty days after the date of such board meeting.

**18.** Within ten days after the date of the board meeting mentioned in the preceding section, the secretary shall give notice in writing, by post or otherwise, to every person whose name appears on the roll and whose address is known, in Form B in the appendix hereto; and shall post up in at least five conspicuous places in the district, one of which shall be the post office (if any) within the district, notices with respect to the holding of the court of revision in Form C in the schedule hereto.

Notice of sitting of court of revision

**19.** If any person thinks that any property has been wrongfully assessed or assessed too high or too low, or that his name or the name of any other person has been wrongfully entered on or omitted from the roll, he may, not later than ten days prior to the date set for the holding of the court of revision, deliver written notice to the secretary of the particulars and grounds of his complaint, which notice may be in Form D in the schedule hereto.

Notice of complaint in Form D

**20.** At least five days before the date set for the holding of the court of revision, the secretary shall give notice in writing, by post or otherwise, to each person with respect to whose assessment or non-assessment a complaint has been made, which may be in Form E in the schedule hereto.

Notice in Form E

**21.—(1)** At the time appointed, unless no written complaints have been received, the board shall sit as a court of revision to consider all complaints that have been received by its secretary in accordance with the provisions of this Act in that behalf.

Hearing complaints

(2) The court of revision shall have power to take evidence under oath, and all necessary oaths may be administered by any member of such court of revision.

Power to take evidence on oath

(3) The court of revision may adjourn from time to time, but no adjournment shall be for a longer period than one week.

Adjournments

(4) The roll as finally passed by the court and certified by the secretary as passed shall, except in so far as the same may be further amended on appeal to a District Court, be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll, or any defect or error or misstatement in the notices required by any of the three next preceding sections, or the omission to deliver or transmit such notices.

Force of roll as finally passed by court of revision

(5) The court of revision may in its discretion declare the whole roll void and in that event a new assessment shall be made in accordance with the provisions of this Act.

[1932, c. 35, s. 3.]

**22.—(1)** Immediately after the conclusion of the sittings the secretary shall amend the roll in accordance with the decisions of the court of revision.

Amendments to roll



**How made** (2) Every such amendment shall be made in ink and initialled by the secretary.

**Notice of result of hearing to complainants** **23.** Within three days after the court of revision has heard and determined any complaint, the secretary shall advise the complainant, and every person whose name is entered upon the roll in respect of the property affected, of the result of the hearing of the complaint by personally serving a written notice on the complainant and every such person or by sending the same by registered mail.

**Notice to complainants of complaints not heard** **24.** When the court of revision has omitted, neglected or refused to hear or decide a complaint by the day fixed for the completion of its duties, the secretary shall immediately notify the complainant in the manner mentioned in the preceding section.

**Assessment incontestable in absence of complaint** **25.** Where any person had at the time of his assessment any interest in the property in respect of which his name was entered upon the roll, and no complaint has been made to the court of revision in accordance with the provisions of this Act, then upon the expiry of the time hereinbefore limited for complaints to the court of revision, the assessment of the property placed opposite his name on the roll shall be deemed incontestably to be the proper, lawful and final assessment of his assessable interest therein.

**Appeals from Court of Revision** **26.—**(1) Any person who, or the assessment of whose property is affected by the decision of the court of revision, may appeal against such decision and may also appeal against the omission, neglect or refusal of the court to hear or decide a complaint made to it.

(2) Within twenty-one days after the service or as the case may be the mailing of the said notification of the result of the hearing of his complaint, the person appealing shall in person or by his agent or by registered mail serve upon the secretary a written notice of his intention to appeal to the director of assessments.

(3) No person shall be entitled to appeal under the provisions of this section unless he has appeared before the court of revision in person or by his agent or has sent to such court a document setting out in detail the grounds of his complaint.

(4) Immediately after the expiration of the time limited for the filing thereof, the secretary shall forward a list of all such notices received by him to the director of assessments, setting out in such list address of the appellant and particulars of the assessment under appeal.

(5) Immediately after he receives notification of the date for hearing appeals, the secretary shall cause a notice to be posted up conspicuously on the school house or if there be no school house, at a public place in the district, containing

the names of the appellants and parties appealed against, together with a brief statement of the ground or cause of appeal and the time and place at which appeals will be heard by the director of assessments.

(6) At the sitting to be held by the director of assessments to hear and determine the appeals hereinbefore provided for, the person having charge of the roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeals.

(7) The roll shall be altered and amended if necessary according to the decision of the director of assessments and the secretary of the district shall write his initials opposite any part of the said roll in which any alteration or amendment is made.

(8) There shall be a right of appeal from the decision of the director of assessments by any person affected thereby to the Alberta Assessment Commission, and all the provisions of *The Alberta Municipal Assessment Commission Act* shall apply to all such appeals.

[1936, c. 86, s. 3; 1937, c. 38, s. 5.]

**27.** Where any person had at the time of his assessment any assessable interest in the property in respect of which his name was entered upon the roll and there has been a complaint to the court of revision, but there has been no appeal to the Director of Assessments, then immediately upon the expiry of the time for giving notice of intention to appeal, the assessment of the property placed opposite his name on the roll shall be deemed incontestably to be the proper, lawful and final assessment of his assessable interest therein.

Conclusive-  
ness of  
decision of  
court of  
revision  
when no  
subsequent  
appeal

[1936, c. 86, s. 4.]

### PART III.

#### TAXATION IN DISTRICTS OR PARTS OF DISTRICTS THAT LEVY THEIR OWN TAXES.

**28.—**(1) After the assessment portion of the assessment and tax roll has been finally passed by the court of revision, the board shall make an estimate of the probable expenditure of the district for the current year, which may include an additional amount to be approved by the Minister to be set aside as a reserve fund for future capital expenditure, and shall strike such rate of taxation on the assessed value of the assessable property within the district as shall be sufficient to meet such probable expenditure, making due allowance for charges and probable deficiency in collections.

Collecting  
districts

Rate of  
taxation

(2) In any village district other than a district which is a village district only by reason of the inclusion therein of a summer village, the rate of taxation on farm land situated outside the boundaries of the village shall not exceed ten

Rate of  
taxation in  
village  
districts

mills on the dollar unless the Minister, being of the opinion that it is necessary in the circumstances so to do, authorizes a rate exceeding ten mills on the dollar.

Differentiation of rate in respect of farm land

(3) Upon the request of the council of any town or village within a consolidated district, the Minister may, in respect of such district, authorize a less mill rate on farm land situated outside of the boundaries of such town or village than on other assessable property.

[1934, c. 31, s. 2; 1937, c. 38, s. 6.]

Minimum tax for lots

**29.** The taxes imposed on any lot of at least one acre in any subdivision or plan, or on any fraction of a section containing at least one acre, shall be at least fifty cents, and on any lot less than one acre in any subdivision or plan shall be at least twenty-five cents.

Minimum tax for residents

**30.—(1)** Subject to the approval of the Minister, any school board may by resolution fix a minimum tax to be paid by any resident of the district assessed upon the assessment and tax roll, at the sum of four dollars, and also impose upon every resident of the district of the full age of twenty-one years who has resided therein for a period of one month or more during any calendar year, and is gainfully employed, and has not been assessed on the roll, an annual tax of four dollars for school purposes, whether he has resided in the district before the date of the completion of the roll or not; but in the case of the collection of such tax the name of such resident so paying shall be added to the roll for the said calendar year.

No double taxation

(2) Where any person has in any year become liable for payment of a school tax of at least four dollars to any city, town, municipal district or school district, he shall not be liable in that year to the tax imposed by this section.

Collection of tax

(3) Any person liable to pay the tax imposed by this section shall pay the same to the secretary-treasurer of the district, or to such person as is appointed by the board to collect the same, within three days after the demand therefor, but in the case of neglect or refusal to pay within the said three days it may forthwith be collected in any manner provided by this Act for the collection of taxes.

Information by employers

(4) It shall be the duty of every employer to furnish the secretary of the school district, in every month, within three days after receipt of a request in writing to that effect from the said secretary, a list of the names of all persons in his employ residing within the said district.

Default in supplying information an offence; penalty

(5) Every employer failing to comply with the provisions of the next preceding subsection shall be guilty of an offence, and liable on summary conviction to a penalty not exceeding the sum of fifty dollars and costs for each such offence.

Deduction of tax by employer from wages

(6) The secretary may, by notice in writing, require such employer to deduct from the next payment made to any employee who is named in the notice and has not paid the

tax imposed hereby, the amount of such tax, and to forward the same to the treasurer of the district immediately after making the deduction hereinbefore directed.

(7) Any employer who fails to make the deduction hereinbefore directed, and to forward the amount of such deduction as hereinbefore directed, shall be liable upon summary conviction to a fine not exceeding fifty dollars, and the amount of such fine shall be paid to the treasurer of the district, who, in the event of the same not being paid within one fortnight of its imposition, may levy the amount of the same by distress and sale of the goods and chattels of the employer in default, in the same manner as the goods and chattels of a person against whom taxes are assessed may be distrained, and of all costs incurred by reason of the proceedings leading to the imposition of the fine, or of enforcing the payment thereof.

Omission to deduct an offence; penalty

**31.**—(1) After the rate of taxation has been struck by the board, the secretary shall complete the assessment and tax roll by inserting therein the rate of taxation, the amount of the current year's taxes and of the arrears with which each person is chargeable, and any other particulars that may be necessary, and shall place the said roll in the hands of the treasurer or collector duly appointed by the board.

Completion of roll

(2) The board may by resolution allow a rebate not exceeding ten per centum upon all current taxes paid within thirty days after the date of mailing of the tax notices.

Rebate

[1935, c. 42, s. 2.]

**32.**—(1) Upon receipt of the assessment and tax roll, the treasurer shall mail to each person whose name appears on the roll, and to the address shown therein, a tax notice in Form F in the schedule hereto.

Tax notice

(2) If the board appoints some person other than the treasurer to be collector, such person before receiving any money as such collector shall furnish security in the same manner and to the same amount as is required by *The School Act* in the case of the treasurer.

Security by collector

**33.** The treasurer or collector, as the case may be, shall give receipts on behalf of the district for all taxes paid to him, and shall enter the fact of such payment with the date on the assessment and tax roll.

Receipts for tax payments

**34.** The treasurer or collector shall notify the board from time to time of the persons who fail to pay the taxes assessed against them, and the board may take, or authorize to be taken, such action for the collection of such taxes as is hereinafter provided.

Report on tax defaulters

## PART IV.

## COLLECTION OF TAXES.

Distress  
for taxes

**35.** In case any person fails to pay the taxes assessed against him within the thirty days specified in the tax notice, the treasurer or collector may, by himself or his agent, but subject to the provisions of *The Tax Recovery Act, 1929*, levy the same with costs by distress,—

- (a) upon the goods or chattels of the person assessed found within the school district;
- (b) upon the interest of the person assessed in any goods or chattels found within the school district, including his interest in any goods to the possession of which he is entitled under a contract for the purchase, or under a contract by which he may become the owner thereof upon the performance of any condition;
- (c) upon the goods or chattels of the owner of any property in respect of which the taxes distrained for are payable, found within the school district, although the name of such owner does not appear upon the assessment and tax roll in respect of such property;
- (d) upon the goods or chattels of the person assessed found within the school district, although the title to such goods or chattels is claimed by any other person or persons in any of the following ways:
  - (i) By virtue of an execution against the person assessed or against the owner of the property in respect of which the taxes distrained for are payable, and notwithstanding the fact that such last-mentioned owner's name does not appear on the assessment and tax roll; or
  - (ii) By purchase, gift, transfer or assignment from the person assessed or from the owner of the property in respect of which the taxes distrained for are payable, whether absolute or in trust or by way of mortgage or otherwise; or
  - (iii) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person assessed or of the owner of the property in respect of which the taxes distrained for are payable, or by any relative of either the person assessed or the owner as last aforesaid, in case such relative lives with the person assessed as a member of the family; or
  - (iv) By virtue of any assignment or transfer made for the purpose of defeating distress.

Notice of  
sale of  
distress

**36.** The treasurer shall by advertisement posted up in at least three public places in the school district, and inserted in a newspaper published in or near to the said school district, give at least six days' public notice of the time and

place of sale, the goods and chattels to be offered for sale, the property in respect of which the taxes are imposed and the name of the person for payment of whose taxes the goods and chattels are to be sold; and at the time named in the notice the treasurer or collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to pay the taxes assessed with all lawful costs, including the cost of advertisement:

And sale  
by auction

Provided that if grain has been distrained, the treasurer may have it hauled to the nearest elevator or to any other convenient place of storage and may dispose of it at the current market price.

Disposition  
of grain  
taken in  
distress

[1934, c. 31, s. 3.]

**37.**—(1) If the goods and chattels distrained have been sold for more than the amount of taxes and costs, and if no claim to the surplus is made by any other person on the ground that the goods and chattels sold belonged to him, or that he was entitled by lien or other right to the surplus, it shall be paid to the person in whose possession the goods and chattels were when the distress was made.

Disposition  
of surplus

(2) If any claim to the surplus is contested, such surplus money shall be paid over by the treasurer or collector of the district to the Clerk of the District Court of the judicial district within which the school district is wholly or mainly situated, and he shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

Contest as  
to surplus

**37a.**—Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff of any court or is claimed by or in possession of any assignee for the benefit of creditors or liquidator or of any trustee or authorized trustee in bankruptcy or where such property has been converted into cash and is undistributed, it shall be sufficient for the secretary-treasurer to, and he shall give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy shall, after deducting the lawful costs, charges and expenses of and incidental to the making and carrying out of the seizure, pay the same to the secretary-treasurer in preference and priority to any other and all other fees, charges, liens or claims whatsoever.

Taxes pay-  
able by  
sheriffs  
and others  
seizing  
property  
leviable  
for taxes

[1933, c. 22, s. 3.]

**38.** Subject to the provisions of *The Tax Recovery Act, 1929*, any taxes and penalties may be recovered by suit in the name of the board as a debt due to the district, and in any suit brought to recover taxes the production of the assessment and tax roll or a copy of so much thereof as relates to the taxes payable by the person assessed and certified as a true copy by the secretary of the district, shall be *prima facie* evidence of the debt.

Taxes and  
penalties  
a debt

## PART V.

## ARREARS OF TAXES.

Penalties  
on arrears  
of taxes

**39.**—(1) In the event of any taxes remaining unpaid after the fifteenth day of December of the year for which the same are levied, there shall be added thereto by way of penalty a sum equal to four per centum of the amount of taxes remaining unpaid, and in the event of any taxes, or any part thereof, remaining unpaid on the first day of July next following there shall be added thereto by way of penalty an additional sum equal to four per centum of the amount of such taxes at that date remaining unpaid, and the same additional sum shall be added thereto in the same manner upon any taxes remaining unpaid half-yearly upon each first day of July and sixteenth day of December following; and such amount or amounts so added shall form a part of the taxes which by the following section are created a special lien upon the land.

No extension  
of time for  
payment of  
taxes by  
reason of  
this section

(2) Nothing in this section contained shall be construed to extend the time for payment of the said taxes, nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes.

Computation  
of penalty

(3) Where a penalty of four per centum is added under the provisions of this section it shall be four per centum of the arrears of taxes and of the penalties, if any, already added.

[1934, c. 31, s. 4.]

Taxes and  
penalties  
a charge

**40.** The taxes and penalties accrued upon or in respect of any land in the district shall be a special charge upon such land and have priority over any claim, lien, privilege, or incumbrance thereon except claims of the Crown.

Entry on roll  
of accrued  
taxes and  
enforcement

**41.** Such accrued taxes shall be entered upon the assessment and tax roll of the district against such property from year to year, and, subject to the provisions of *The Tax Recovery Act, 1929*, the payment of such taxes shall be enforceable at all times by any of the methods provided by this Act for the enforcement of the payment of taxes.

Reportable  
arrears

**42.** Arrears of taxes which are reportable to the municipal authorities under the provisions of *The Tax Recovery Act, 1929*, shall be reported in accordance with the provisions of that Act.

Arrears of  
taxes on  
leased lands  
in Park or  
Forest  
Reserve

**43.**—(1) Whenever any portion of the taxes on any land which is in a Dominion Park and is held under lease from the Government of Canada, or on any land which is included in a forest reserve and is held under lease from the Government of the Province has been due for two years from the first day of January in the year in which the same

was imposed, whether imposed before or after the coming into effect of this Act, the treasurer of the school district shall prepare in duplicate a list of all such lands on which taxes are so due, with the amount of arrears against each lot set opposite the same, and the treasurer 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 secretary, and the other shall be given to the treasurer with a warrant thereto annexed under the hand of the chairman and the seal of the board, commanding him to levy upon the lease for the arrears due in respect thereof with costs and the said treasurer is hereby authorized to sell the same.

List of leases

Sale of lease

(2) The list when so made out shall be *prima facie* evidence of the validity of the assessment and imposition of the taxes therein shown.

Evidential value of list of arrears

(3) Within fifteen days after the date of the warrant a notice shall be sent by the treasurer by registered mail to each person who appears by the said list or by the records of any Land Titles Office to have any interest in the lands mentioned therein, to the effect that the lease of such lands will be put up for auction on a fixed date not less than sixty days after the date of such notice.

Notice of proceedings to interested persons

(4) If any person interested in any parcel of land entered upon the list pays the taxes upon such land before the day fixed for the sale and after the said notice has been sent out, he shall, in addition to the amount of taxes shown upon the said list, be liable to pay the sum of one dollar for costs in connection with advertising, postage and other charges in connection with the proceedings.

Payment of taxes by interested person

(5) When such amount is paid, the lease shall be removed from the list of leases to be sold for arrears of taxes.

Removal of lease from list on payment

(6) The treasurer shall not sell any leases which have not been included in the list furnished him as aforesaid.

No lease not on list to be sold

(7) The treasurer shall cause the said list to be published for at least four consecutive weeks in at least one newspaper published in the school district, or if there is no newspaper published therein, in the newspaper published nearest to the school district.

Publication of list

(8) The advertisement shall contain notification that unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lease for taxes on the day and at the place mentioned in the advertisement.

Contents of advertisement

(9) The day of sale shall not be less than sixty days after the last publication of the list.

Time of sale

(10) If at any time appointed for the sale of leases, no bidders appear, the treasurer may adjourn the sale from time to time; provided always that no adjournment shall be for a period exceeding fifteen days.

Adjournment of sale



- Conduct of sale** (11) At the place, day and hour appointed for the sale of leases, if the taxes thereon, including costs and charges, have not previously been paid, the treasurer shall offer the leases for sale by public auction, and in so doing shall make and declare the amounts stated in the list as the taxes due with the charges and costs, as the upset price on each respective lot or parcel as offered for sale, and shall thus sell the same to the highest bidder, or to such person as may be willing to take it at the upset price, there being no higher bidder.
- Re-sale on default of purchaser** (12) If the purchaser of any lease fails immediately to pay the treasurer, on account of the said purchase, the amount claimed for arrears of taxes and charges, the treasurer shall forthwith again put up the property for sale.
- Notification to Minister** (13) If any such sale has been effected, the treasurer shall notify the Deputy Minister of the Interior of such sale, and request a transfer of the lease to the purchaser thereof, and shall notify the land registration district regarding the disposal of all such leases by such a sale.
- Tax sale fund bank account** (14) The treasurer shall keep a separate account in a chartered bank to the joint credit of the chairman and treasurer of all sums paid to him as purchase money on leases sold for arrears of taxes, and in excess of arrears of taxes and charges, and shall enter in the book the amount of the excess payment on each lot sold by him, with the date of sale, and the aggregate amount so received shall form a fund to be called "a tax sale fund", and whenever any portion of such fund shall have remained to the credit of the account for two years from the date of sale without any notice of claim or for payment having been served on the treasurer, it shall be the absolute property of the board.
- Disposition of surplus proceeds of sale** (15) Any person claiming to have been interested in any lease sold for taxes, and transferred as aforesaid, which shall have realized more than the amount of taxes due and charges, shall be entitled to claim and receive the said surplus or sum, or any portion thereof specified in the order hereinafter mentioned:
- Judge's order** Provided that written notice is served upon the treasurer previous to the time limited for forfeiture on producing and leaving with the treasurer within six months of the date of service of such notice of claim, an order signed by a judge, reciting that it has been proved to the satisfaction of the said judge that the claimant at the time of the sale was interested in the said land, and requiring the school board to pay the said surplus money or the portion thereof specified in the order, to the said claimant, and such or any judge's order for payment of any part of the said tax sale fund shall be kept by the treasurer and shall be the warrant and authority for making such payment.

[1932, c. 35, s. 4.]

## PART VI.

ASSESSMENT AND TAXATION IN RURAL DISTRICTS WHICH ARE  
WITHIN OR PARTLY WITHIN MUNICIPAL DISTRICTS.

44.—(1) The board shall prepare a detailed estimate of the probable expenditure of the district for the current year which may include an additional amount to be approved by the Minister to be set aside as a reserve fund for future capital expenditure.

Estimate of  
expenditure

(2) Where the district is entirely within one municipal district the board, before the first day of March in each year, or as soon as may be thereafter, shall make a requisition upon the municipal district for the amount of such estimate, and the municipal district shall levy the taxes for school purposes and pay to the school district the amount of its requisition as provided in *The Municipal District Act*.

Requisition  
by board:  
where  
district  
within one  
municipal  
district

(3) (a) Where the district is entirely within two or more municipal districts, or where the district is partly within one or more municipal districts and partly within one or more improvement districts, the board shall ascertain the total assessed value of the property assessable for school purposes in each part of the district which is within one municipal unit and shall apportion its estimate accordingly.

In other  
cases

(b) Before the first day of March in each year, or as soon as may be thereafter, the board shall make a requisition upon each municipal district for the proportionate amount of its estimate, and each municipal district shall levy the taxes for school purposes and pay to the school district the amount of its requisition as provided in *The Municipal District Act*.

Requisition  
for  
proportionate  
amount of  
expenditure

(c) In respect of that part of the district which is not within a municipal district, the board shall cause taxes to be levied in the manner provided in Parts I to V of this Act.

Levy in  
extra-  
municipal  
area

(d) The total assessed value of the property assessable for school purposes mentioned in paragraph (a) hereof shall be the same as fixed pursuant to *The Alberta Municipal Assessment Commission Act*:

Total  
assessed  
value for  
school  
purposes

Provided, that if dissatisfaction with regard to such value is expressed by any one of the following methods:

Provisions  
for adjust-  
ment of  
assessed  
value in  
cases of dis-  
satisfaction

- (i) By a motion passed at the annual meeting;
- (ii) By delivery to the board of a notice in writing signed by at least ten or a majority of the electors of the district, prior to the first day of February;
- (iii) By delivery to the board of a notice in writing signed by a majority of the electors in any part of the district which is within one municipal unit, prior to the first day of February,—

- such value shall be determined for the current year and for each succeeding year in which the assessment equalized and established pursuant to *The Alberta Municipal Assessment Commission Act* for the time being continues in force in the manner set out in the paragraphs next following;
- Adjustment committee (e) The board shall, on or before the tenth day of February, appoint an Adjustment Committee composed of one person from each part of the district which is within one municipal unit, who is liable to assessment, and resides therein;
- Meetings and notice thereof (f) The board shall appoint the day, hour and place for the holding of a meeting of the Adjustment Committee and shall cause a written notice of such meeting to be served on each member of the committee at least five days before the date set therefor;
- Duty of secretary (g) The secretary or a member of the board duly appointed shall attend such meeting and produce the records of the district for the use of the committee;
- Chairman (h) The committee shall select one of its members to be chairman, and the chairman may name one of his fellow members or the secretary of the board to be secretary;
- Duty of committee (i) The committee shall examine and consider the total assessed value of the property assessable for school purposes, as fixed pursuant to *The Alberta Municipal Assessment Commission Act*, in each part of the district which is within one municipal unit, and if in the opinion of the committee such total value in one such part is not equitable in comparison with the corresponding value in another such part of the district, it shall adjust the same by increasing or decreasing the amount of such total value;
- Memorandum by chairman and secretary (j) A memorandum in writing signed by the chairman and secretary of the meeting, setting out the decision of the majority, or the failure of the committee to reach a majority decision, shall be given to the secretary or member of the board in attendance at the meeting;
- Adjustment in certain cases by Alberta Assessment Commission (k) If a majority decision of the committee is not reached, or if within five days after a majority decision has been made, any member of the committee serves upon the secretary of the board a notice in writing, stating that he wishes the matter referred to the Alberta Assessment Commission, the secretary of the board shall immediately notify the chairman of the commission and the commission shall make the necessary adjustment;
- Report of decision of commission to secretary of board (l) The chairman of the commission shall forthwith report the decision of the commission to the secretary of the board;
- Attendance of witnesses (m) The commission shall have power to compel the attendance before it of any person and the produc-

tion by such person of all records and documents in his possession relating to the assessment and taxation of property for school purposes within the district;

- (n) Each member of the Adjustment Committee may be paid a sum not exceeding five dollars out of the funds of the district. Remuneration of members of Adjustment Committee  
 [1936, c. 35, sch. (3); 1937, c. 38, s. 7.]

## PART VII.

### ASSESSMENT AND TAXATION IN TOWN DISTRICTS.

**45.**—(1) Where a district has within its boundaries a city or town, the trustees may, as soon as may be after the final revision of the assessment roll of the city or town, make a demand on the council for the sum required for school purposes for the then current year. Demand by board upon town council

(2) For the purpose of assessment and taxation for school purposes and for the purposes of this section any portion of a town district which is not within the limits of a city or town shall be deemed to be within the limits thereof, and the provisions of *The Town Act, 1927*, or of any special act creating such city or town, shall apply to such portion as if the same formed a part of the city or town. Portions of town district outside town boundaries deemed to be included therein

(3) In the case of a town district, the rate of taxation on farm land situated outside of the limits of the city or town shall not exceed ten mills on the dollar, but the Minister may authorize a rate exceeding ten mills on the dollar, when, in his opinion, the same is necessary. [1937, c. 38, s. 8.] Rate of taxation on extra-urban farm land

**46.** Subject to the provisions of this Act and of *The School Act*, the property liable to assessment for school purposes in a town district shall be the property which is liable to assessment for municipal purposes, or which would be liable to assessment for municipal purposes if situated within the city or town: Property in town districts liable to assessment

Provided, however, that farm buildings and other farm improvements on farm land, and grain, hay, live stock, farm implements and vehicles used or kept on farm land shall be exempt from assessment for school purposes: Exemptions

Provided further that the part of the cost of any irrigation or drainage project properly attributable to any parcel of land shall be exempt from assessment, whether there has or has not been any immediate or direct expenditure of labour or capital upon the parcel.

[1933, c. 22, s. 5; 1937, c. 38, s. 9.]

## PART VIII.

## ASSESSMENT AND TAXATION IN RURAL HIGH SCHOOL DISTRICTS.

- Estimate of expenditures**      **47.—**(1) The board shall prepare a detailed estimate of the probable expenditure of the district for the current year.
- Apportionment thereof**      (2) The board shall ascertain the total assessed value of the property assessable for school purposes in each district within the rural high school district, and shall apportion its estimate accordingly.
- Requisition for proportionate amount**      (3) Before the first day of March in each year, or as soon as may be thereafter, the board shall make a requisition upon the board of each district within the rural high school district for the proportionate amount of its estimate, and the board of each of such districts shall cause such amount to be raised by taxation on the assessable property in the district in the same manner as other school taxes.
- Total assessed value for school purposes**      (4) Subject to the provisions of the next following subsection, the total assessed value of the property assessable for school purposes in each district within the rural high school district shall be the same as is adopted by that district for the levy of its taxes for other school purposes or upon which its requisition to the municipal district for other school purposes is based, as the case may be.
- Adjustment of total assessed value in certain cases of dissatisfaction**      (5) (a) If dissatisfaction with regard to the total assessed value of any district is expressed by any one of the following methods:
- (i) by a motion passed at the annual meeting of the rural high school district;
  - (ii) by delivery to the board of the rural high school district of a notice in writing signed by ten or by a majority of the electors of any district within the rural high school district, prior to the first day of February;
  - (iii) by delivery to the board of the rural high school district of a notice in writing signed by one of the members of that board, prior to the first day of February,—
- such value shall be determined in the manner set out in the paragraphs next following.
- Adjustment by board**      (b) The board shall on or before the tenth day of February hold a special meeting to examine and consider the total assessed value of the property assessable for school purposes in each district within the rural high school district as ascertained under the provisions of subsection (4) hereof, and if in the opinion of the board such value in one of such districts is not equitable with the corresponding value in any other of such districts, shall adjust the same by increasing or decreasing the amount of such value.

- (c) The secretary of each district within the rural high school district, upon receipt of a request in writing from the secretary of the latter district, shall attend the special meeting mentioned in the preceding paragraph and shall produce the records of his district for the use of the board of the rural high school district. Attendance of secretaries of districts at meeting
- (d) If a majority decision of the board is not reached, or if within five days after a majority decision has been made, any member of the board serves upon the secretary of the board a notice in writing, stating that he wishes the matter referred to the Alberta Assessment Commission, the secretary of the board shall immediately notify the chairman of the commission and the commission shall make the necessary adjustments. Reference to Alberta Assessment Commission
- (e) The chairman of the commission shall forthwith report the decision of the commission to the secretary of the board. Report of decision of commission to secretary of board
- (f) The commission shall have power to compel the attendance before it of any person and the production by such person of all records and documents in his possession relating to the assessment and taxation of property for school purposes in any district within the rural high school district. Attendance of witnesses

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## PART IX.

### SEPARATE SCHOOLS.

**48.** In cases where separate school districts have been established, where land is owned by a Protestant and occupied by a Roman Catholic, or *vice versa*, the owner shall be assessed in respect of such land. Owner of land liable to assessment

**49.** In cases where separate school districts have been established, whenever property is held by two or more persons as joint tenants or tenants in common, the holders of such property being Protestants and Roman Catholics, they shall be assessed in proportion to their interests in the property in the districts of which they respectively are rate-payers. Proportionate assessment in case of joint tenants

[1933, c. 22, s. 4.]

**50.**—(1) A company may, by notice given to the secretary-treasurer of any municipality wherein a separate school district is either wholly or in part situated, and to the secretary of the board of any public school district in which a separate school has been established, and to the secretary of the board of the separate school district, Notice by company

require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant or occupant, or in actual possession of, and any part of the personal property, if any, of such company liable to assessment, to be entered, rated and assessed for the purposes of the said separate school, and thereupon the proper assessor shall enter the said company as a separate school supporter in the assessment and tax roll in respect of the property specially designated in or by the said notice, and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes:

Portion of company's property assessable to separate school district

Provided, that the share or portion of the property of any company entered, rated or assessed in any municipality, or in any school district for separate school purposes under the provisions of this section, shall bear the same ratio and proportion to the whole property of the company assessable within the municipality or school district as the amount or proportion of the shares or stock of the company so far as the same are paid or partly paid-up, held and possessed by persons who are Protestants or Roman Catholics, as the case may be, bears to the whole amount of such paid or partly paid-up shares of stock of the company.

Sufficiency and effect of notice

(2) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given pursuant to any resolution of the company or of its directors.

Filing of notices and their inspection

(3) Every such notice so given to such secretary-treasurer shall remain with and be kept by him on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine and inspect the assessment and tax roll; and the assessor shall in each year, before the completion and return of the assessment and tax roll, search for and examine all notices which may be on file in the secretary-treasurer's office, and shall in respect thereof follow and conform thereto and to the provisions of this Act in that behalf.

Consequences of false statements in notice

(4) False statements made in any such notice shall not relieve the company from rates, but any company fraudulently giving such notice or making false statements therein shall be liable to a penalty not exceeding one hundred dollars, and any person giving for a company such a statement who fraudulently or wilfully inserts in such notice a

false statement shall be guilty of an offence, and liable on summary conviction to a like penalty.

(5) In the event of any company not giving the notice as hereinbefore provided for, the board of trustees of the separate school district may give to the company a notice in the following form or to the like effect, that is to say:

Action by board of separate school district if notice not given by company

"The board of trustees of the.....Separate School District No.....of the Province of Alberta hereby gives notice that unless and until your company gives a notice as provided for by section 50 of *The School Assessment Act* the school taxes payable by your company in respect of property lying within the limits of the.....Public School District No.....of the Province of Alberta will be divided between the said public school district and the said separate school district in shares corresponding with the total amount of the assessed value of property assessed to individuals for public school purposes and the total amount of the assessed value of property assessed to individuals for separate school purposes respectively. This notice is given in pursuance of section 50 of *The School Assessment Act*."

(6) Unless and until a company to which notice has been given as aforesaid gives a notice as hereinbefore provided for, the whole of the real property of which the company is either the owner and occupant, or, not being such owner, is the tenant or occupant, or in actual possession of, and the whole of the personal property, if any, of the company liable to assessment, shall be entered, rated and assessed upon the assessment and tax roll of the public school district or of the municipality, as the case may be, as if for public school purposes, but the public school district shall pay to the separate school district a share of the taxes collected from the company in respect of such property equal to the proportion which the assessed value of the property assessed to individuals upon the assessment and tax roll of the separate school district, or assessed to individuals as separate school supporters upon the assessment and tax roll of the municipality, as the case may be, bears to the total assessed value of the property assessed to individuals upon the assessment and tax rolls of both the public and separate school districts, or upon the assessment and tax roll of the municipality, as the case may be.

Liability of company for school taxes which gives no notice

Payment of proportion by public school district to separate school district

(7) A notice under the foregoing provisions may be given to a company by serving the same upon any person upon whom a writ of summons or other document originating proceedings may be served for the company.

Service of notice on company

[1936, c. 86, s. 5.]



## PART X.

## GENERAL.

Powers of Director of Assessments and Alberta Assessment Commission on assessment appeals

**51.** On the hearing of any appeal from any decision of a court of revision with respect to assessment in a village district or a town district, if it is made to appear to the director of assessments, or the Alberta Assessment Commission, or other authority empowered to hear such appeal, as the case may be, that land situated in any village district or town district, but outside the limits of the village, city or town, has been assessed at a higher relative value than land within such village, city or town, the director of assessments, or the Alberta Assessment Commission or other authority empowered to hear such appeal, as the case may be, may order that a percentage or reduction be made in the assessed value of all lands so situated so that justice may be done in the school district as between the ratepayers within and those without the limits of the village or city or town.

[1932, c. 35, s. 5; 1937, c. 38, s. 10.]

Order quashing assessment and making new assessment

**52.** If upon the hearing of any appeal the director of assessments or the Alberta Assessment Commission is of the opinion that the assessment is so inequitable that substantial justice cannot be done by adjusting the assessment in such cases as are then on appeal before him, or by means of the exercise of the powers conferred by the next preceding section, the director or commission, as the case may be, may order that the assessment be quashed and that a new assessment be made.

[1937, c. 38, s. 11.]

Subsequent assessment of property and liability of interested persons who have previously escaped taxation

**53.—(1)** Where any person having an interest in property assessable under the provisions of this Act has in any year heretofore or hereafter been assessed in respect of such property and notice of such assessment has been sent to him, but he has escaped from taxation by virtue of his assessment being declared invalid or a nullity by a court of competent jurisdiction, then such person may be assessed in any subsequent year in respect of such interest, and shall thereupon become liable to pay as taxes in such subsequent year, and in addition to any taxes, if any, to which he is liable in that year, the taxes which he would have been liable to pay in the year in which he escaped taxation, if he had then been correctly assessed and taxed.

Mode of assessment

**(2)** The said assessment shall be made by the court of revision and the person assessed thereby shall be immediately notified thereof by the secretary, and the person so assessed shall have the right to appeal to the director of assessments.

Appeal to Director of Assessments

**(3)** The person appealing shall serve upon the secretary of the district, within thirty days after the decision of the court of revision, written notice of his intention to appeal to the director of assessments.

(4) The director of assessments shall hear the appeal within one month after he has been notified by the secretary of the desire of the said person to appeal and he shall either confirm the assessment made by the court of revision, or, if he thinks such assessment is incorrect, fix a sum as the proper assessment of the person appealing.

Hearing  
of appeal

[1937, c. 38, s. 12.]

54. In determining all matters brought before the court of revision or the director of assessments or the Alberta Assessment Commission, such court, director or commission shall have jurisdiction to determine not only the amount of the assessment but all questions as to whether any persons or things are or were assessable, or are or were legally assessed or exempted from assessment. [1937, c. 38, s. 13.]

Jurisdiction  
of court of  
revision.  
Director of  
Assessments  
and Alberta  
Assessment  
Commission

55. The Minister of Education may by order, notice of which shall be published in *The Alberta Gazette*, empower any district to make an assessment and levy taxes under the provisions of this Act.

Order  
empowering  
district to  
assess and  
levy

56. In the case of any district empowered by the Minister to make an assessment and levy taxes, the Lieutenant Governor in Council may make such orders, provisions and appointments as to him may appear necessary for the adjustment, arrangement and settlement of all accounts between any such district and the authority which previously levied and collected the school taxes.

Orders in  
Council

57. Subject to the approval of the Minister, the board may enter into an agreement with the owner or owners of any land which is subdivided into plots or parcels of one acre, or less, to accept in full settlement of arrears of taxes an amount less than the total amount due on account of such arrears.

Comprom-  
ises

58. No proof shall be necessary in any Court after the lapse of one year from the thirty-first day of December in any year in which taxes have been levied to establish that all or any of the provisions of this Act with respect to assessment and taxation have been complied with, and the production of the assessment and tax roll as finally passed shall be conclusive evidence in any Court that all the provisions of this Act respecting assessment or taxation have been fully complied with, and after such lapse of time no Court shall hold any assessment or taxation made or imposed under this Act invalid unless it is established to the satisfaction of the Court that the person or property assessed was not liable to be assessed or that the rate of taxation imposed was in excess of the amount allowed by law, and in the latter case, if the Court shall adjudge the assessment or taxation invalid, it shall only be deemed invalid to the extent of the excess.

Evidential  
force of  
assessment  
and tax roll

## PART XI.

## EXECUTION AGAINST SCHOOL DISTRICTS.

Direction  
to sheriff  
endorsed  
on writ

**59.—(1)** Any writ of execution against the board of any district may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall be as set forth in the following subsections.

Delivery  
of writ to  
treasurer

(2) The sheriff shall deliver a copy of the writ and endorsement to the treasurer or leave such copy at his office or dwelling-house with a statement in writing of the sheriff's fees and of the amount required to satisfy such execution, including such amount of interest calculated to some day as near as is convenient to the day of service.

Striking rate  
by sheriff

(3) In case the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment and tax roll of such district and shall, in like manner as rates are struck for general school purposes, strike a rate on the dollar on the assessable property in the district sufficient to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will probably be available.

Precept by  
sheriff to  
treasurer

(4) The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the treasurer, and shall by such precept or precepts, after reciting the writ and that the board has neglected to satisfy the same, command the treasurer to collect such rate or cause it to be collected at the time and in the manner by law required for the collection of the general school rates.

Addition  
to roll

(5) At the time for imposing the annual rate next after the receipt of such precept or precepts, the treasurer shall add a column to the assessment and tax roll of the district headed: "Execution Rate of A.B. v. Board of School District ....." (or, as the case may be, adding a column for each execution if more than one) and shall insert therein the amount by such precept or precepts required to be collected from each person respectively, and shall collect the amount of such execution rate as aforesaid; and the treasurer, so soon as the amount of such execution or executions is collected, shall return to the sheriff the precept or precepts with the amount collected thereon.

Disposition  
of surplus

(6) The sheriff shall, after satisfying the executions and all fees thereon, return any surplus, within ten days after receiving the same, to the treasurer for the general purposes of the district.

Treasurer  
an officer  
of the Court

(7) The treasurer 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 an officer 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 him to perform the duties hereby imposed upon him.

**60.** In case of the absence of the treasurer and the refusal or neglect of the board to appoint some other person in his place, or in case of the refusal or neglect of the treasurer to comply with any of the provisions of the next preceding section, the sheriff, upon application to a judge of the Supreme Court, may be invested with full power and authority to assess, levy, collect and enforce payment, in the same manner as assessors, collectors and treasurers are authorized to do by this Act, of such sum or sums of money as may be required to pay and satisfy the execution or executions and all fees and legal expenses, including such allowance for the costs, levy, collection and enforcement of payment as the judge may allow:

Order by  
judge of  
Supreme  
Court  
conferring  
powers on  
sheriff

Provided, that any person may, within one month from the date of the notice by the sheriff of assessment by him, apply to the sheriff to revise such assessment in any respect as to which such person might have appealed to a court of revision, and if the sheriff refuses such application may appeal to the District Court of the judicial district out of which the writ of execution issued, within eight days after the sheriff's decision, of which appeal notice in writing shall be given to the sheriff, and on such appeal the judge may proceed as in the case of an appeal from a court of revision.

Appeals  
against  
assessment  
by sheriff

**61.** In the next preceding sections, "treasurer" shall mean the treasurer or secretary-treasurer or other proper officer of the school district, municipal district, city or town, which is required by law to collect the annual taxes of the district or any portion thereof.

"Treasurer"  
defined

**61a.** A judgment against or order for the payment of money by a school district shall be enforceable by means of a writ of execution and not otherwise; and no proceedings to enforce any such writ of execution shall be taken or continued without the consent of the Board of Public Utility Commissioners. [1933, c. 22, s. 6; 1936, c. 86, s. 6.]

Enforcement  
of judgments  
against  
school  
districts

## PART XII.

### FORMS.

**62.** The several forms in the Schedule to this Act to suit the case or forms to the like effect shall be deemed good, valid and sufficient.

Sufficiency  
of forms

**63.** *The School Assessment Act*, being chapter 52 of the Revised Statutes of Alberta, 1922, is hereby repealed.

Repeal

**64.** This Act shall come into force on the day upon which it is assented to.

Coming into  
force of Act



FORM B.  
(Section 18)

ASSESSMENT NOTICE

.....School District No.....of the  
Province of Alberta.

To..... Date.....19....

You are hereby notified that your name appears on the assessment and tax roll of the above mentioned school district for the year.....as the owner (or occupant or person in possession) of the property described and assessed as below.

No. on Assessment and Tax Roll	LOCATION OF PROPERTY					No. of Acres	ASSESSED VALUE				Total Assessed Value
	Pt. of Sec.	No. Sec.	Lot Tp	Blk. Rg.	Sb. Div. M.		Land			Personal Property	
							Surface	Minerals Timber	Bldg. and Improvements		

N.B. The board of trustees of the said district will sit as a court of revision (*mention day, hour, and place at which court of revision is to be held*), and if you consider that you have been wrongly assessed as above stated you will have an opportunity to make a statement of your case before the said court.

Take notice that if you do not give notice in writing of complaint to the secretary of the board ten days previous to the sitting of the court of revision, and if you do not appear before the said court in person or by agent, or send to such court a document setting out in detail the grounds of your complaint, you will not be entitled to appeal from its decision to the Director of Assessments.

.....  
*Secretary.*

.....P.O.

FORM C.  
(Section 18)

NOTICE OF SITTING OF COURT OF REVISION.

Notice is hereby given that the assessment portion of the assessment and tax roll for The.....S.D. No.....of the Province of Alberta has been completed and the same may be examined at....., and the board of trustees of the said school district will sit as a court of revision to hear assessment complaints at .....on the.....day of....., 19....., at the hour of.....o'clock.....m., and no person, who does not appear at the said time and place in person, or by agent, or has not sent to such court a document setting out in detail the grounds of complaint, will be entitled to appeal from the decision of the said court of revision to the District Court.

.....  
*Secretary.*

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

FORM D.  
(Section 19)

NOTICE OF APPEAL.

To.....  
Secretary of.....School District,  
.....P.O.

You are hereby notified that I hereby complain that the following property has been wrongfully assessed (or assessed too high or too low, or against the insertion upon or omission from the roll of the name of.....)

.....(description of property).

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

(Signature).....

(Strike out matters which are not subject to complaint.)

FORM E.  
(Section 20)

NOTICE TO PARTY WHOSE ASSESSMENT IS APPEALED AGAINST.

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

Take notice that you are required to attend the court of revision for the.....S.D. No.....of the Province of Alberta to be held (*give day, hour and place of sitting of court*) in the matter of the complaint by....., applicant, that you are assessed too high (or too low, or that your name was wrongfully inserted on or omitted from the roll, or as the case may be).

.....  
*Secretary.*

FORM F.  
(Section 32.)

TAX NOTICE.

.....School District No.....of  
the Province of Alberta.  
To..... Date....., 19.....

Take notice that under the provisions of *The School Assessment Act* you have been assessed for the property shown below for the year 19....., and taxes have been levied at the rate of.....mills on the dollar.

No. on Roll	LOCATION OF PROPERTY						No. of Acres	ASSESSED VALUE					Total Assessed Value	Current Year's Taxes	Reported Arrears	Total Taxes Due	
	Pt. of Sec.	Plan Sec. No.	Tp. Lot	Rg. Blk.	M. Sb. Div.	Land			Bldg. and Improvements	Personal Property							
						Surface		Minerals			Timber						

- Note 1. Taxes are payable forthwith, and if not paid within thirty days from the date of the tax notice, may be levied with costs by distress.
- 2. All taxes not paid before the 16th day of December of the year in which they are levied are subject to a penalty of 4 per cent, and an additional 4 per cent every 1st of July and 16th of December thereafter so long as they remain unpaid.
- 3. A rebate of.....% will be allowed on all current taxes paid within thirty days.
- 4. Reported arrears of taxes must be sent to....., and must be paid before current taxes can be accepted.

.....  
*Treasurer.*

.....P.O.



# The School Grants Act

(OFFICE CONSOLIDATION.)

Being Chapter 53 of the Revised Statutes of Alberta, 1922, with amendments up to and including 1937.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## SHORT TITLE.

1. This Act may be cited as "*The School Grants Act.*" Short title

## INTERPRETATION.

2. In this Act, unless the context otherwise requires, all words, names and expressions shall have the same meaning as is expressly or impliedly attached to them in *The School Act*. Interpretation

## GRANTS IN AID OF RURAL EDUCATION.

3. In aid of schools organized and conducted under the provisions of *The School Act* and regulations in that behalf, there shall be paid the several grants hereinafter set out, which shall be paid annually except as hereinafter provided. Grants

4. There shall be paid to rural districts the following grants out of any legislative appropriation made for that purpose, that is to say: Grants to rural districts

- (a) To each district, a grant of seventy-five cents per day for each legally authorized teaching day during which the school is kept open;
- (b) To each district an additional grant of twenty cents per day for each legally authorized teaching day during which the school is kept open in the first year of its operation and the succeeding year;
- (c) To each district maintaining a graded school with separate rooms for junior and senior pupils, a grant of one dollar and eighty cents per day for each legally authorized teaching day during which the senior room is kept open; provided, however, that such grant shall not be payable unless the teacher in charge of such room holds qualifications satisfactory to the Department of Education;
- (d) To each district which maintains one or more rooms exclusively for pupils in grades above the eighth, and having an average daily attendance of not less than fifteen, a grant of two dollars and seventy cents per day for each day that the school is lawfully kept open for the purposes of teaching;

(e) To each district which, in addition to the rooms it maintains for pupils below the ninth grade, maintains only one room exclusively for pupils in grades above the eighth, and in addition maintains a room in which instruction is given to pupils in grades above the eighth with an average daily attendance of such pupils of at least six, in addition to the grant payable by virtue of paragraph (a) of this section, a grant of one dollar per day for each day such room is kept open; in case in any term the average attendance of such pupils is less than six, there may be paid, upon the recommendation of the inspector, a grant of such amount as bears the same proportion to the amount which would have been paid in case the daily average attendance had not been less than six, that the actual average attendance for the term bears to six;

(f) *Repealed.*

(g) To each district upon its establishment an initial grant of fifteen dollars;

(h) To each district whose school attains a minimum grading in its efficiency in respect of grounds, buildings, equipment, government and progress, a grant not exceeding fifteen cents per day for the first year in which it is operated, and for the five subsequent years, the grant to be paid in proportion to such grading for each day the school is kept open, and such grading shall be based upon the inspector's report or reports as prescribed by the regulations of the Department:

Provided, however, that the Department may in lieu of such sums as are provided for in paragraphs (g) and (h) hereof, or any portion of such sums, supply to each district for its school library or libraries books of equal value selected from the list authorized by the Department of Education for library purposes or school flags or other equipment approved by the Minister;

(i) *Repealed.*

(j) *Repealed.*

(k) *Repealed.*

(l) *Repealed.*

(m) *Repealed.*

(n) To any district maintaining night classes when the courses of study taught and the qualifications of the teacher or teachers employed are approved by the Department, a grant equal to fifty per cent of the cost of tuition up to a maximum grant of one hundred dollars; provided that no grant under this paragraph shall be paid unless such night classes have

been in operation for at least two months between the first day of October and the first day of May of the following year.

[1923, c. 37, s. 2; 1933, c. 23, s. 2;  
1936, c. 87, s. 2; 1937, c. 42, s. 2.]

#### GRANTS IN AID OF EDUCATION IN VILLAGES AND TOWNS.

**5.** There shall be paid to town and village districts for all grades up to and including Grade VIII as classified by the regulations of the Department, the following grants, that is to say:

Grants to  
town and  
village  
districts

- (a) To a district in which the number of teachers employed does not exceed forty, a grant of seventy-five cents for each day the school is open;
- (b) To a district in which the number of teachers employed is above forty, but not above one hundred, a grant of sixty-five cents for each day the school is kept open;
- (c) To any district in which the number of teachers employed is more than one hundred, a grant of forty-five cents for each day the school is kept open;
- (d) To each district maintaining a graded school with separate rooms for junior and senior pupils, a grant of one dollar and eighty cents per day for each legally authorized teaching day during which the senior room is kept open:

Provided, however, that such grant shall not be payable unless the teacher in charge of such room holds qualifications satisfactory to the Department;

- (e) To any town district maintaining one or more rooms exclusively for the training of sub-normal pupils and having a special teacher or special teachers whose qualifications have been approved by the Minister, a grant of fifty per cent of the salary of such teacher or teachers.

[1923, c. 37, s. 3; 1933, c. 23, s. 3; 1936, c. 87, s. 3.]

#### GRANTS IN AID OF EDUCATION IN CONSOLIDATED DISTRICTS.

**6.** To consolidated school districts there shall be paid the following grants, that is to say:

Grants to  
consolidated  
school  
districts for  
lower grades

- (a) To every consolidated district a grant of the total amount of the grants which in the estimation of the Minister would have been earned by all of the districts within the consolidated district if each of such districts had been conducting school for the number of days that the school of the consolidated district is kept open;
- (b) To each district maintaining a graded school with separate rooms for junior and senior pupils, a grant of one dollar per day for each legally authorized

teaching day during which the senior room is kept open:

Provided, however, that such grant shall not be payable unless the teacher in charge of such room holds qualifications satisfactory to the Department;

- (c) To every consolidated school district which employs a van or conveyance to convey pupils to and from school, a grant of one dollar per day for each such van or conveyance; provided that the van or conveyance employed, the route travelled and the contract with the van driver shall in each case be approved by the Minister before such grant is payable, and that in no case shall the grant exceed fifty per cent of the cost of conveyance;
- (d) To each consolidated district which has provided an approved motor conveyance, in addition to the amount provided under the next preceding paragraph, a special grant of one dollar per day for each day such motor conveyance is employed in the conveyance of pupils to and from school;
- (e) To each consolidated district the board of which has made arrangements with the parents or guardians for the conveyance of the children of isolated families in accordance with the provisions of *The School Act*, such grant as may be determined by the Minister;
- (f) *Repealed.* [1923, c. 37, s. 4; 1933, c. 23, s. 4; 1934, c. 32, s. 2; 1936, c. 87, s. 4.]

GRANTS IN AID OF SECONDARY EDUCATION IN SCHOOLS, NOT  
HEREINBEFORE PROVIDED FOR.

Grants to  
village,  
consolidated  
and town  
districts for  
higher  
grades

7. There shall be paid to village, consolidated and town districts for grades above the eighth as classified by the regulations of the Department the following grants, that is to say:

- (a) To each district in which the number of teachers employed does not exceed thirty and which maintains one or more rooms exclusively for pupils in grades above the eighth and having a daily average attendance of not less than fifteen, a grant of two dollars and seventy cents per day for each legally authorized teaching day that the school is kept open;
- (b) To each district in which the number of teachers employed exceeds thirty and which maintains one or more rooms exclusively for pupils in grades above the eighth and having a daily average attendance of not less than fifteen, a grant of two dollars and twenty-five cents per day for every day the school is kept open;

- (c) To each district which, in addition to the room it maintains for pupils in grades below the ninth grade, maintains only one room exclusively for pupils in grades above the eighth, and in addition maintains a room in which instruction is given to pupils in grades above the eighth with a daily average attendance of such pupils of at least six, in addition to the grant payable by virtue of paragraph (a) of section 5 or paragraph (a) of section 6 of this Act, a grant of one dollar per day for each day such room is kept open; in case in any term the average attendance of such pupils is less than six, there may be paid, upon the recommendation of the inspector, a grant of such amount as bears the same proportion to the amount which would have been paid in case the daily average attendance had not been less than six, that the actual average attendance for the term bears to six;
- (d) To each rural high school district a grant of three dollars and sixty cents per day for each day that such school is kept open and has a daily average attendance of at least fifteen pupils; provided that non-resident children who apply shall be admitted.  
[1923, c. 37, s. 5; 1933, c. 23, s. 5; 1936, c. 87, s. 5.]

7a. In the case of any joint school district established under the provisions of *The Border Areas Act*, if pupils who are resident in that part of such joint district which is situate in Alberta are furnished with tuition in an educational institution in that part of the joint district which is situate in the adjoining Province, there shall be paid to such joint school district by way of a grant a sum which bears the same ratio to the total which would have been payable under this Act in respect of such educational institution if the same had been a school operated in Alberta under the provisions of *The School Act*, as the total daily average attendance of pupils resident in Alberta bears to the total daily average attendance of all pupils taught at such educational institution for the school term in respect of which the grant is paid.  
[1932, c. 36, s. 2.]

Grant to  
joint school  
district

#### GRANTS IN AID OF TECHNICAL EDUCATION.

8. There shall be paid to every district employing more than thirty teachers and providing instruction in household economics, shop courses, commercial work, music, art or technical subjects the following grants, that is to say:
- (a) A grant equal to forty per cent of the salaries of approved teachers giving instruction in commercial, technical or industrial subjects, but the grant shall not exceed five hundred and forty dollars for any teacher so employed;

Grants in  
aid of  
technical  
education  
to districts  
employing  
more than  
thirty  
teachers

- (b) A grant, where instruction is given in household economics, shop courses, music or art by approved teachers, equal to that paid for the regular grade teachers in the same district;
- (c) A grant equal to twenty-five per cent of the expenditure on approved equipment especially provided in any year for instruction in commercial work, technical or industrial subjects, but the grant shall not exceed four thousand dollars in any year.

[1923, c. 37, s. 6; 1934, c. 32, s. 3; 1937, c. 42, s. 3.]

Grants in aid of technical education to districts employing fewer than thirty teachers

**9.** There shall be paid to every district employing fewer than thirty teachers and providing instruction in household economics, shop courses, commercial work, music, art or technical subjects the following grants, that is to say:

- (a) A grant, where instruction is given in household economics, shop courses, music or art by approved teachers, equal to that paid for the regular grade teachers in the same district;
- (b) A grant equal to twenty-five per cent of the expenditure on approved equipment especially provided in any year, and used in giving instruction in such subjects, up to a maximum grant of twelve hundred dollars.

[1923, c. 37, s. 7; 1937, c. 42, s. 4.]

Grants in case of agreement between two or more districts as to technical education

**10.** When any two or more districts have entered into an agreement under the provisions of *The School Act* for the purpose of providing instruction in shop courses, household economics or commercial work, there shall be paid the following grants, that is to say:

- (a) A grant equal to fifty per cent of the salaries and travelling expenses of teachers of approved qualifications giving instruction in such subjects up to a maximum grant of two thousand dollars; provided that the Minister may apportion the payment of such grant among the districts having entered into such agreement;
- (b) Once only, a grant equal to fifty per cent of the cost of approved equipment provided to give instruction in such subjects up to a maximum grant of one thousand dollars;
- (c) A grant of fifty per cent of the cost of all additional equipment provided for giving instruction in such subjects after the first equipment, up to a maximum grant of one hundred dollars a year;
- (d) When in any of the above mentioned districts the board of school trustees has provided efficient instruction in music or art, throughout the grades, by one of its regular teachers or a special teacher, whose qualifications are approved by the Department, a grant of fifty dollars to each teacher giving

instruction in such subjects, who has been teaching in the district for one year; provided that in case such teacher has been employed in the district for less than a year, a proportional amount of such grant may be paid on the recommendation of an inspector of schools. [1937, c. 42, s. 5.]

**11. Repealed.** [1923, c. 37, s. 8.]

**12.** There shall be paid to any rural, village, consolidated, or town district not employing more than thirty teachers the following grants, that is to say:

(a) When night class instruction in the ordinary school subjects only is given by teachers of approved qualifications a grant equal to fifty per cent of the cost of tuition;

(b) When approved instruction in vocational and technical subjects in addition to ordinary school subjects is given, a grant equal to sixty per cent of the cost of tuition. [1923, c. 23, s. 6.]

Grants in aid of night classes and vocational subjects where not more than thirty teachers employed

**13.** There shall be paid to every district employing more than thirty teachers, a grant equal to forty per cent of the cost of tuition in approved night class instruction.

Grants in aid of night classes where more than thirty teachers employed

**14.** There shall be paid to every rural, village, consolidated, rural high or town school district giving approved instruction in science and agriculture and related school gardening, a grant of fifty per cent of the board's expenditure on improvement and upkeep of a school garden and the value of approved equipment for such instruction up to a maximum grant of one hundred dollars in any one year.

Grants in aid of science and agriculture

[1933, c. 23, s. 7.]

**15. Repealed.** [1923, c. 37, s. 9.]

**16.** There shall be paid to each district providing means of conveyance for the children of the district to the school of another district, under the provisions of *The School Act*, such amount as the Minister may determine, but such amount shall not exceed the amount the district would have earned had it kept its own school open with a minimum attendance of five for the number of days such conveyance was used.

Grants in aid of conveyance of children

**17.** Where a separate school district has been established within the area of a public school district, such public and separate school districts shall, for the purpose of classification under sections 4, 5, 7, 8, 12, 13 and 26a hereof, be deemed to be one district only, but in apportioning the grant payable to the public and separate schools respectively there shall be no discrimination.

Joint treatment of separate and public school district for purposes of grants

[1933, c. 23, s. 8; 1936, c. 87, s. 6.]

Effect of  
increase in  
number of  
teachers in  
town or city

**18.** The increase in the number of teachers employed in the schools of any town or city shall not have the effect of reducing the total amount of grant payable to the schools in such town or city; and where a separate school district has been established within the area of a public school district the total amount payable to the schools of such public and separate school districts shall be divided between the two districts in proportion to the number of teachers employed in each:

Proviso

Provided that, in determining the number of teachers so employed, only teachers having charge of a room in which there is an average daily attendance which would entitle the same to a grant under the provisions of this Act shall be counted.

Necessity of  
minimum  
average  
attendance

**19.** No grant other than an initial grant on establishment shall be paid to any district under the preceding sections hereof unless an average attendance of five is maintained in its school for the term immediately preceding the time when the grant would become payable:

Proviso

Provided, however, that upon the recommendation of an inspector a district whose school has not maintained an average attendance of five for any term may be paid a grant the amount of which shall bear the same ratio to the amount which would have been paid had the said average been maintained that the actual average attendance for the term bears to five.

Maximum  
period  
during  
which  
grants  
payable

**20.** No amount payable to any district under the provisions of this Act shall be payable for more than two hundred days in any school year.

[1923, c. 37, s. 10; 1933, c. 23, s. 9; 1936, c. 87, s. 7.]

Treating  
rooms as  
separate  
districts in  
certain cases

**21.** In any district where more teachers than one are employed each room shall be treated as a district for the purposes of sections 4, 5, 6 and 7 hereof, when the average attendance of the whole school equals at least twenty pupils for each teacher employed, or when teachers have been employed, on the recommendation in writing of an inspector, in such numbers as to reduce such average attendance below twenty.

[1933, c. 23, s. 10.]

Time of  
payment  
of grants

**22.—**(1) Subject to subsection (2) of this section, payments may be made in respect of the amounts earned under sections 4, 5, 6 and 7 hereof at the end of each of the school terms ending on the thirtieth day of June and the thirty-first day of December in each year, or in the case of a school which is open during only a portion of the year as soon as the school closes for the year, on receipt of the returns hereinafter provided and on receipt of the treasurer's bond and the teacher's agreement as provided in *The School Act* and such other returns as may be required by the Minister.

(2) All grants made under this Act may be paid at the end of the school year.

[1923, c. 37, s. 11.]



**23.** When the return of the treasurer of any district as hereinafter provided shows that the district is indebted to any teacher or teachers with respect to salary, the grant payable to such district under sections 4, 5, 6 and 7 hereof or so much thereof as will satisfy such indebtedness, shall be paid to such teacher or proportionately to such teachers.

Utilizing grant to pay indebtedness of district to teacher

**24.** The grants earned by any district under paragraph (h) of section 4 hereof shall be paid to such district at the end of the school year:

Time of payment of certain grants

Provided that if the school of any district is not inspected during the year, the district shall be paid for that year such grant as it may be entitled to upon the basis of the grading which its school is given on the first inspection in the following year. [1936, c. 87, s. 8.]

Proviso

**25.** Any district whose school has been closed on account of the absence of the teacher in attending a teachers' institute, school fair or convention held under the regulations of the Department, or on account of the illness of the teacher for a period not in excess of the period of illness for which the district is liable for the payment of salary to the teacher, shall be entitled to the same grants as if the school had been open during such absence. [1935, c. 43, s. 2.]

Closing of school in absence of teacher at institute, etc.

**26.** If in any district the school has been closed by the written order of a duly qualified medical practitioner or a public health nurse employed by the Department of Health on account of the prevalence within the district of any disease, the Lieutenant Governor in Council may pay grants in respect of such days as the school has been so closed, but in no case shall such grants be paid for more than thirty teaching days in the school year. [1923, c. 37, s. 12; 1937, c. 42, s. 6.]

Closing of school during epidemic

**26a.—**(1) In addition to the grants in the preceding section there shall be paid to every rural district whose assessed valuation for the purposes of *The Alberta Municipal Assessment Commission Act* added to the actual cash value of all personal property which would be subject to assessment and taxation for school purposes were it situated in a village school district (which two sums of money are hereinafter collectively called "an assessment") is less than seventy-five thousand dollars per teacher, the following grants, namely:

- (a) to a district having an assessment of less than ten thousand dollars per teacher the sum of two dollars and eighty cents per teacher per teaching day;
- (b) to a district having an assessment of ten thousand dollars or more, but less than fifteen thousand dollars per teacher, the sum of two dollars and sixty cents per teacher per teaching day;

- (c) to a district having an assessment of fifteen thousand dollars or more, but less than twenty thousand dollars per teacher, the sum of two dollars and forty cents per teacher per teaching day;
- (d) to a district having an assessment of twenty thousand dollars or more, but less than twenty-five thousand dollars per teacher, the sum of two dollars and twenty cents per teacher per teaching day;
- (e) to a district having an assessment of twenty-five thousand dollars or more, but less than thirty thousand dollars per teacher, the sum of two dollars per teacher per teaching day;
- (f) to a district having an assessment of thirty thousand dollars or more, but less than thirty-five thousand dollars per teacher, the sum of one dollar and eighty cents per teacher per teaching day;
- (g) to a district having an assessment of thirty-five thousand dollars or more, but less than forty thousand dollars per teacher, the sum of one dollar and sixty cents per teacher per teaching day;
- (h) to a district having an assessment of forty thousand dollars or more, but less than forty-five thousand dollars per teacher, the sum of one dollar and forty cents per teacher per teaching day;
- (i) to a district having an assessment of forty-five thousand dollars or more, but less than fifty thousand dollars per teacher, the sum of one dollar and twenty cents per teacher per teaching day;
- (j) to a district having an assessment of fifty thousand dollars or more, but less than fifty-five thousand dollars per teacher, the sum of one dollar per teacher per teaching day;
- (k) to a district having an assessment of fifty-five thousand dollars or more, but less than sixty thousand dollars per teacher, the sum of eighty cents per teacher per teaching day;
- (l) to a district having an assessment of sixty thousand dollars or more, but less than sixty-five thousand dollars per teacher, the sum of sixty cents per teacher per teaching day;
- (m) to a district having an assessment of sixty-five thousand dollars or more, but less than seventy thousand dollars per teacher, the sum of forty cents per teacher per teaching day;
- (n) to a district having an assessment of seventy thousand dollars or more, but less than seventy-five thousand dollars per teacher, the sum of twenty cents per teacher per teaching day.

(2) The grants payable under this section may be paid direct to the teacher or teachers at the discretion of the Minister.

(3) The Minister may reduce or withdraw the grants provided in this section where the average attendance in any school district is less than five.

(4) In any school district receiving special aid under this section the Minister may make such arrangements including the provision of transportation or the payment of board and lodging as will in his opinion provide educational facilities for the children of such district at a minimum cost.

(5) *Repealed.*

(6) The aggregate amount of all grants payable in any year under this Act to any school district other than a consolidated district or a rural high school district shall in no case exceed a sum equal to five hundred dollars per room for all the rooms maintained by the school district in that year, and in any case in which but for this provision the aggregate of all grants would have exceeded that sum, the grants payable shall be abated by the amount of the excess.

(7) The aggregate amount of all grants payable in any year under this Act to any school district in respect of any one room, shall not in any case exceed seventy-five per centum of the amount paid for salary to the teacher or teachers for the instruction given in that room during the year in respect of which the grant is payable.

(8) No grant shall be payable under this section in respect of any room for which the district receives a grant under any of the paragraphs (c), (d) and (e) of section 4.

[1926, c. 59, s. 2; 1933, c. 23, s. 11;  
1934, c. 32, s. 4; 1936, c. 87, s. 9.]

**27.** The Lieutenant Governor in Council may order the payment of a special grant to any school whether organized according to law or not, and the Minister shall have the authority to order the payment of a special grant to any school district upon an inspector of schools certifying to the fact that owing to the conditions prevailing it would be very difficult for the district to maintain a school without such special grant.

Special grants

**28.** The secretary-treasurer and teacher of every district shall at the end of each school term forward to the Minister such statements respecting the school and district as are necessary to enable him to apportion the grants to which it may be entitled under this Act, and such statement shall be verified by declaration and shall be in form prescribed by the Minister.

Duty of secretary-treasurer and teacher to forward statements

**29.** The Minister shall have authority to cancel the grant or any portion thereof payable to any district that fails to comply with the provisions of this Act, *The School Act*, *The School Assessment Act*, or *The School Attendance Act* or any of the regulations of the Department.

Authority to cancel grants

**30.** In town districts, supervisors of physical culture and kindergarten instructors whose qualifications and appointments are approved by the Minister, shall, for the purposes of this Act, rank as teachers.

Status of physical and kindergarten instructors

**31.** *Repealed.*

[1937, c. 42, s. 7.]

# The School Attendance Act

(OFFICE CONSOLIDATION.)

Being Chapter 55 of the Revised Statutes of Alberta, 1922, with amendments up to and including 1937.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## SHORT TITLE.

1. This Act may be cited as "*The School Attendance Act.*" Short title

## INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

(a) "City or town school district" shall include a town school district as defined by <i>The School Act</i> ;	<small>Interpretation City or town school district</small>
(b) "Inspector" shall mean an Inspector of Schools;	<small>Inspector</small>
(c) "Minister" shall mean the Minister of Education;	<small>Minister</small>
(d) "Principal" shall mean the head teacher of a public or separate school;	<small>Principal</small>
(e) "Regulations" shall mean regulations made under the authority of the Department of Education;	<small>Regulations</small>
(f) "School" shall mean a public or a separate school.	<small>School</small>

## SCHOOL ATTENDANCE.

3. Every child who has attained the age of seven years and who has not yet attained the full age of fifteen years shall, unless excused for the reasons hereinafter mentioned, attend school for the full term or terms during which the school of the school district in which he resides is open, or, in case such district maintains more than one school, then for the full term or terms during which the school therein which he has the right to attend is open:

Provided, however, that if the board of any school district has under the provisions of *The School Act* entered into an agreement for the education of its children with the board of another district the school of such last mentioned district shall, for the purposes of this section, be deemed to be the school of the district in which such children reside.

4. When a child resides with or is under the care or in the legal custody of some person other than his parents, such person, during the continuance of such residence, care or custody shall be subject to all the duties and liable to all the penalties imposed upon parents by this Act; but the duty of the natural parents of the child shall not be thereby affected or diminished.

Liability of legal custodian other than parent

Exempting  
circum-  
stances

5. No parent, guardian or other person shall be liable to any penalty imposed by this Act in respect of a child if,—

- (a) in the opinion of a school inspector, given by a writing dated within one year prior to the date of the complaint, the child is under efficient instruction at home or elsewhere;
- (b) the child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) the child is under ten years of age and the nearest public or separate school which he has the right to attend is more than two and one-half miles distant:

Provided, however, that this paragraph shall not apply in the case of pupils of a consolidated district or other district where conveyance has been provided or arrangements made with the parents or guardians for the conveyance of pupils of isolated families in accordance with the provisions of *The School Act*:

Provided further that in computing distances for the purposes of this Act the Dominion Lands Survey shall be accepted as final and conclusive, and all sections of land shall be deemed to be one mile square and no more, and the width of road allowances shall be excluded from the computation, and distance from school shall mean the shortest possible distance measured along a highway and between those boundaries of the school site and of the quarter-section or smaller parcel of land on which the child resides which are nearest to each other;

- (d) there is not sufficient accommodation in the school which the child has the right to attend; or
- (e) the child has passed the Grade VIII examination prescribed by the Department of Education, or has completed a course which gives him an equivalent standing, and the school district in which the child resides does not provide instruction in its school or schools for pupils above Grade VIII.

Employment  
of child  
during  
school  
hours

6.—(1) No child under the age of fifteen years who has not a valid excuse under this Act shall be employed by any person during school hours while the public school of the district in which the child resides is in session, and any person who employs a child in contravention of this section shall incur a penalty not exceeding twenty dollars for each offence.

(2) Where the services of any child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, a justice of the peace, police magistrate, commissioner of the juvenile court or principal of the school attended by the child, upon application in writing being made by the parent or guardian of such child, may by

certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks during each public school term:

Provided, however, that such certificate, if granted by a commissioner of the juvenile court, shall be granted by such commissioner in open court only, and upon two days' notice of the application therefor being given to the secretary or attendance officer of the district in which the child resides. Proviso

#### ATTENDANCE OFFICERS.

7.—(1) The school board of every city or town school district shall appoint, control and pay one or more attendance officers for the enforcement of this Act and notice of such appointment shall be forthwith given in writing to the Department of Education. Appoint-  
ment,  
control, re-  
muneration,  
powers and  
duties of  
attendance  
officers

(2) The Minister may from time to time appoint such attendance officer or officers as may be required for the enforcement of this Act in districts that are not included within any city or town school district, and may provide for his or their remuneration either by the school districts affected or by the Department of Education, as the Minister in his discretion may see fit, and may make such rules not inconsistent with the provisions of this Act for the direction of such attendance officer or officers and the enforcement of this Act; and the Minister may also appoint officers to be known as provincial attendance officers, and a chief attendance officer, all of whom shall have jurisdiction in all parts of the Province, and the duties of such attendance officers may be defined and their remuneration fixed by the Minister.

(3) In the event of no appointment of an attendance officer being made by such school district before the first day of February in any year, the Minister may appoint such attendance officer or officers as he may deem necessary, and fix the remuneration which shall be paid by the school district affected, and notice of such appointment shall be given in writing to the school board.

(4) An attendance officer shall for the purposes of this Act be vested with the powers of a peace officer, and shall have authority to enter theatres, playhouses, places of public entertainment and amusement, factories, workshops, stores, shops and all other places where children may be employed or congregated, and to perform such duties as may be necessary for the enforcement of this Act.

(5) Any school board may make rules, not inconsistent with the provisions of this Act or with the regulations, for the direction of the attendance officer or officers and for the enforcement of this Act, which rules shall be subject to the approval of the Minister.

(6) In the event of any school board failing to make such rules, and to submit the same to the Minister for approval, the Minister may make such rules as he may deem necessary,

and the same shall have the same force and effect as if made by the board.

(7) Notice of every appointment made under this Act shall be given by the body making such appointment to the inspector within whose inspectorate the attendance officer has jurisdiction.

(8) Every attendance officer shall report monthly to the body appointing him as well as to the Department, according to the forms prescribed by the regulations.

(9) Every inspector shall, in all school districts under his supervision which are not included within any city or town school district, inquire into the conditions existing with respect to the observance of the provisions of this Act, and he shall report to the Minister from time to time as the latter may direct.

Duties and powers of attendance officers respecting violations of Act

8.—(1) It shall be the duty of every attendance officer to examine into all cases of possible violation of this Act which may come within his knowledge, or be brought to his attention; and, except as hereinafter provided, to warn one of the parents or the guardian of any child not complying with the provisions of this Act by notice in writing in form A hereto, and generally to enforce the provisions of this Act.

(2) An attendance officer appointed under this Act shall have the right to send a child suspected of truancy either home or to school and to accompany him thereto if deemed necessary.

(3) The notice provided for in this section may be served by registered letter, postpaid, delivered at any post office and addressed to the parent or guardian at the post office situated nearest to his or her place of residence, and the production of an affidavit in form B hereto of the person posting the said letter, to which are attached and marked as exhibits the registration receipt from the post office where the said letter was registered and a copy of the said notice, shall be *prima facie* evidence that such notice was duly received by the person to whom the same was addressed within four days after the posting and registration of the same.

#### ENFORCEMENT OF ACT.

Penalty for continued default by parent, etc., after notice

9.—(1) Any parent, guardian or other person having the charge or control of any child who has attained the age of seven years and has not attained the full age of fifteen years who within five days after having been notified as provided in the preceding section neglects or refuses to cause such child to attend school and continue in regular attendance thereat, unless such child be excused from attendance as provided by this Act, shall be subject to a penalty not exceeding ten dollars for a first offence, twenty-five dollars for a second offence, and fifty dollars for a third and for every offence subsequent to a second offence, and in default of payment to imprisonment for a term not exceeding ten days.

(2) If any person has been served with the warning notice hereinbefore prescribed it shall not be necessary within a period of twelve months thereafter to serve such person with any other notice because of any further non-compliance with the provisions of this Act; and whenever such person within the said period of twelve months fails to cause the same child or any other child of whom he has charge or control as aforesaid to attend school and continue in regular attendance thereat as required by this Act, such person shall be liable to prosecution and subject to the penalties imposed under this section as fully and completely as if he had been served with a warning notice in every case.

(3) Either the attendance officer who gives or serves the warning notice hereinbefore prescribed or any other attendance officer may lay the information before the magistrate, and the following shall constitute *prima facie* evidence of an offence under this section, that is to say; filing with the magistrate the affidavit prescribed in the next preceding section hereof, and the production of the school register the entries in which show the absence from school of the child on the days specified in the information or complaint.

(4) The person serving the summons shall be entitled to the sum of ten cents for every mile necessarily travelled to serve the same and to return.

(5) The justice of the peace or police magistrate trying a complaint under this section may, instead of imposing a penalty, require a person convicted of an offence under this section to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by him, conditioned that the person convicted shall after the expiration of five days cause the child to attend school as required by this Act.

**10.** Every attendance officer shall institute, or cause to be instituted, proceedings against a parent, guardian or other person having charge or control of a child, or against any other person violating any of the provisions of this Act.

Instituting  
proceedings  
against  
parent, etc.,  
violating Act

**11.—**(1) The teacher or the principal of every public or separate school shall once in each week of the school year report to the attendance officer of the city or town school district, or school district in which the school is situated, the names, ages and residences of all pupils on the school register who have not attended school as required by this Act, together with such other information as the attendance officer may require for enforcing the provisions of this Act.

Attendance  
reports by  
teachers

(2) The teacher or principal, as the case may be, shall also forthwith report to the attendance officer every case of expulsion.

**12.** Every person and officer charged with the duty of enforcing any provision of this Act who neglects to perform the duty imposed upon him shall incur a penalty not exceeding ten dollars for each offence.

Penalty for  
the non-  
enforcement  
of Act



## Recovery of penalties

**13.** The penalties imposed by this Act shall be recoverable on summary conviction before a justice of the peace or a police magistrate.

## Presumption as to age of child in prosecution under Act

**14.** Where a person is charged with an offence under this Act in respect of a child who is alleged to have attained the age of seven years and not to have attained the full age of fifteen years, and the child appears to the Court to be within such ages, the child shall for the purposes of this Act, be deemed to be within such ages until the contrary is proved.

## Protection of rights of religious denominations

**15.—(1)** Nothing in this Act shall be held to require the child of a separate school supporter to attend a public school or to require the child of a public school supporter to attend a separate school.

**(2)** No penalty shall be imposed in respect of the absence of a child from school on a day regarded as a holy day by the church or religious denomination to which such child belongs.

## FORM A.

(Section 8.)

To *(name and address of parent or guardian)*.

Take notice that unless within five days from the receipt by you of this notice you cause your child *(or ward)* *(child's or ward's name to be inserted here)* to attend school you will be liable to prosecution under *The School Attendance Act*.

And further take notice that if within twelve months after the date of this notice upon you you fail to cause the above mentioned child or any other child of whom you have charge or control between the ages of seven and fifteen years to attend school, and continue in regular attendance thereat, you will be liable to prosecution under the said Act without further notice.

.....  
*Attendance Officer.*

# The Teaching Profession Act, 1935

(OFFICE CONSOLIDATION.)

Being Chapter 81 of the Statutes of Alberta, 1935, with amendments up to and including 1937.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Teaching Profession Act, 1935.*"

**1a.** In this Act, unless the context otherwise requires,—

- (a) "Association" shall mean the Alberta Teachers' Association;
  - (b) "Member" shall mean a member in good standing of the Association;
  - (c) "Executive Council" shall mean the Executive Council of the Association;
  - (d) "Minister" shall mean the Minister of Education of the Province of Alberta;
  - (e) "Department" shall mean the Department of Education of the Province of Alberta;
  - (f) "Teacher" shall mean a person holding a valid certificate of the Minister;
  - (g) "Secretary" shall mean Secretary, Secretary-Treasurer or the General Secretary-Treasurer of the Association.
- [1936, c. 88, s. 2.]

**2.—(1)** There is hereby established and constituted under the name of "The Alberta Teachers' Association" a body corporate and politic.

(2) The Association may take any measure not inconsistent with the provisions of this Act or of any Act or Regulation of the Province of Alberta, which it deems necessary in order to give effect to any policy adopted by it with respect to any question or matter, directly or indirectly affecting the teaching profession.

**3.** The objects of the Association shall be:

- (a) To advance and promote the cause of education in the Province of Alberta;
- (b) To raise the status of the teaching profession,—
  - (1) by initiating and promoting research in methods of arousing interest in presentation of teaching the various subjects of the curriculum;

- (2) by establishing research libraries and circulating libraries of books, treatises and papers designed to assist the teacher in the classroom;
- (c) To promote and advance the interests of teachers and to secure conditions which will make possible the best professional service;
- (d) To arouse and increase public interest in educational affairs;
- (e) To co-operate with other teachers' organizations in the provinces of the Dominion of Canada and throughout the world, having the same or like aims and objects.

4.—(1) All persons carrying on the profession of teaching in any institution of the Province of Alberta, supported by provincial or municipal taxation, which maintains a department for giving instruction in the courses of study prescribed for elementary, secondary, or technical schools under the jurisdiction of the Department of Education of the Province of Alberta shall, as a condition of their employment, or continued employment, be members of the Association:

Provided that when a teacher enters upon any contract of engagement with the board of trustees of any school district in the Province of Alberta, he shall give notice forthwith in writing to the secretary of the Association of the date of his proposed employment and the remuneration agreed upon, and in such case the board of trustees may employ the teacher unless and until the Association notifies them in writing that the teacher is not a member.

(2) The following persons shall be eligible for membership in the Association; teachers in any Normal School or School of Education; members of the Faculty of the University of Alberta; teachers in any Provincial School of Technology; teachers in any School of Agriculture; teachers in any other educational institution of the Province.

(3) Unemployed teachers who hold a valid certificate of the Minister.

(4) A member who is not the holder of a valid, permanent certificate of the Minister and who has had less than two years' experience in teaching shall be known as an Associate Member with the same rights, privileges and benefits and subject to the same limitations and restrictions as other members:

Provided, however, that an Associate Member shall not be eligible for election as a member of the Executive Council nor for election or appointment as a member of any committee or board of the Association dealing with discipline, training or certification of teachers or with courses of study for schools operating under the jurisdiction of the Department.

(5) In the case of teaching orders of the Roman Catholic Church, if any teacher being a member of such order is for the time being a member of the Association and pays the membership fees for which he is liable, all other teachers belonging to that order shall be members of the Association without fee.

[1936, c. 88, s. 3; 1936 (2nd Sess.), c. 15, s. 2.]

**5.** The Association shall consist of a federation of local associations and members at large.

**6.—**(1) The Association in general meeting may pass by-laws not inconsistent with the provisions of this Act or of any Act or Regulation of the Province of Alberta respecting,—

- (a) the election of the Executive Council and officers of the Association;
- (b) the formation, government, management and dissolution of local associations;
- (c) the management of its property and affairs and its own internal organization and administration;
- (d) the maintenance of the Association and the fixing and collecting of annual and other fees;
- (e) the time, place and conduct of the annual and other meetings of the Association;
- (ee) discipline, including the suspension and expulsion of members;
- (f) all such other matters as may be deemed necessary or convenient for the management of the Association and the promotion of its welfare or the conduct of its business.

(2) The Association may also amend, alter or repeal any by-law.

(3) No such by-laws or amendments or repeal thereto, relating to discipline, shall be valid or take effect until approved by the Lieutenant Governor in Council.

[1936, c. 88, s. 4.]

**7.—**(1) The Association shall be governed by an Annual General Meeting to be held during Easter week of each year, or at such other time as may be deemed expedient by the Executive Council.

(2) The Annual General Meeting shall be composed of the officers, the Executive Council and the delegates from local associations, as provided by the by-laws.

**8.** The business of the Association shall be transacted and carried on by the Executive Council, to be elected or appointed as provided in the by-laws. The Executive Council shall be composed of the officers of the Association and at least seven others to be elected by districts.

**9.** The fees of members of the Association shall be those fixed from time to time by the by-laws.

**10.—**(1) The trustees of any school district in the Province of Alberta are hereby empowered and shall retain from the salary of each and every teacher the amount of mem-

bership dues fixed and prescribed by the Association, and all moneys so retained shall be deemed to be a payment on account of such salary and shall be deemed to be a payment on account of membership dues by the teachers from whom such sum has been retained.

(2) The Department of Education of the Province of Alberta is hereby empowered and shall retain at the end of each school term from the grants payable to each and every school district under *The School Grants Act* (R.S.A. 1922, chap. 53) in aid of schools organized and conducted under the provisions of *The School Act*, an amount equal to the amount so required and retained by such school district from the salary of the teacher, and to receive and pay over to the Association the moneys so retained on account of membership dues of the teacher from whom the said sums were originally retained, and all moneys so retained and paid over shall be deemed to have been paid over to and received by the school district on account of the aforesaid grants:

Provided, however, that any school district, with the consent of the Minister, obtained on request in writing of the Secretary, may pay the fees of members employed by them direct to the Association.

[1936, c. 88, s. 5; 1936 (2nd Sess.) c. 15, s. 3.]

**11.** Nothing in this Act shall be deemed to interfere with the rights of Separate Schools as provided in *The School Act*.

#### TEACHING PROFESSION APPEAL BOARD.

**11a.**—(1) There shall be constituted a board to be known as the Teaching Profession Appeal Board consisting of three members, one of whom shall be appointed by the Executive Council and two by the Lieutenant Governor in Council.

(2) It shall be the duty of the Teaching Profession Appeal Board, and it shall have power,—

- (a) to appoint a chairman and secretary;
- (b) to serve as a board of appeal in case of suspension or expulsion or other disciplining of members of the Association, or to investigate on the order of the Minister cases involving suspension or cancellation of teachers' certificates.

[1936, c. 88, s. 6.]

**11b.** In the event of any teacher being suspended or expelled from membership in the Association, or otherwise disciplined by the Executive Council, such teacher shall be entitled to appeal to the Teaching Profession Appeal Board, and in case the said Board confirms such decision of the Executive Council, the Association may advise the Minister to suspend or cancel the certificate of such teacher.

[1936, c. 88, s. 6.]

**12.** Every person guilty of violating any provision of this Act or any of the by-laws made thereunder, shall be liable to a fine of not more than Twenty-five Dollars (\$25.00) recoverable with costs under the provisions of the law respecting summary convictions.

# General Regulations

OF THE

## Department of Education, 1931

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1. These regulations shall apply to all schools under the control and management of the Department of Education.

### SCHOOL GROUNDS.

2. In all school districts other than town districts the site for the school house shall be one approved or selected by the Minister. As far as possible it should meet the following conditions: (a) It should be located as near the centre of the district as practicable; (b) It should be easily accessible to all the children of the district; (c) It should be in a dry, elevated position, admitting of easy drainage; (d) It should be removed from stagnant water and noisy surroundings.

Subject to the provisions of *The School Act* in that behalf the board of any town school district may select such site or sites as in its judgment may seem desirable.

3. The school grounds in all school districts other than town districts shall comprise an area of at least three acres. The site in all cases should be level and kept clear of underbrush, weeds, rubbish, etc. The grounds shall be surrounded by a suitable fence (not barbed wire) which should be kept in good repair. In town districts the school site shall comprise an area of not less than three acres, and more if deemed necessary by the Department in view of the size of the building to be erected thereon.

4. Where inside toilet accommodation cannot be provided, separate privies, under different roofs, or otherwise erected according to a plan approved by the Department, shall be provided for the boys and girls. They should be widely separated and each entrance effectually screened from observation. The outhouses shall be kept in a cleanly condition and in good repair.

5. (a) If there is any likelihood of getting good water at a reasonable cost a well should be sunk on the premises. The construction, equipment and maintenance of the well should meet the requirements contained in the regulations made in that behalf by the Department of Health which provide in part that the water shall be obtained from a tightly cribbed well, sealed in such a manner as to prevent surface water gaining access to it and equipped with pumping facilities secured at the base so as to be water tight, and in no case shall a rope and bucket system be used in raising water from the well.

(b) In all districts where water cannot be obtained by sinking a well the board shall provide a sufficient supply of wholesome drinking water for use during school hours. The water shall be kept in a suitable covered container and the container shall be kept in clean and sanitary condition at all times.

### SCHOOL HOUSE.

6. (a) All school houses must be built in accordance with plans and specifications approved by the Department.

(b) In making additions to or alterations in school buildings in rural, village, rural high or consolidated school districts the board is required to secure from the Minister his approval of the changes contemplated.

## MINIMUM SCHOOL FURNISHING AND EQUIPMENT.

7. Every school shall be furnished with a sufficient number of comfortable seats and desks to accommodate the pupils in the district, a suitable book-case or cases to accommodate a library, such maps and globes as shall be prescribed by the Department, at least one hundred square feet of blackboard space, and such other furniture and equipment as the Department may direct through the recommendation of an inspector of schools. There should also be provided, where possible, suitable and adequate playground equipment, such as a sand pile, swings, teeters, a playground slide, equipment for basketball, volleyball, baseball, football and hockey.

## USE OF SCHOOL HOUSE AND GROUNDS.

8. Subject to the provisions of *The School Act*, a school house and grounds may, outside of the hours during which school is in session, be used for any lawful purpose—social, educational or religious—with the consent or approval of the board, but no advertisements other than the statutory notices and notices of public meetings shall be posted on the school premises or distributed to the pupils unless approved by the board.

## CONDUCT OF SCHOOLS.

9. The board of any district may direct that school be opened at 9:30 a.m. during the whole or portions of the months of November, December, January and February; and the board of any rural district may direct that only one hour's intermission be taken at noon, in which case the school shall be closed at 3:30 p.m.

10. (a) The board of any district may direct that the time spent in the class-room by the pupils of Grades I, II and III shall not exceed four hours per day.

(b) In the case of an ungraded school the board upon obtaining the approval of the inspector may direct that instruction be given for pupils in grades above the eighth; provided, however, that the Inspector of Schools shall have power to direct that such instruction be initiated or discontinued as the circumstances and conditions in his opinion warrant.

(c) In the case of a two-room school, instruction shall not be given in Grade XII unless the approval of the inspector has been previously obtained by the board.

11. In ungraded schools the teacher, and in graded schools the superintendent, or the principal where there is no superintendent, shall be responsible for the organization of the school and the classification of pupils and promotions other than those based upon departmental examinations, all subject to the approval of the inspector.

12. All pupils who hold the Grade VIII Diploma issued by the Department of Education, or who submit to the Department satisfactory evidence of possessing scholarship equivalent thereto, shall be classified as being in grades above the eighth.

## RESPONSIBILITIES AND DUTIES OF TEACHER AND PUPILS.

13. The teacher shall be responsible for the personal direction and supervision of the playground activities of the pupils throughout the school day, and all pupils shall be accountable to the teacher for their conduct on the school premises, and also for their behaviour on the way to and from school unless accompanied by one of their parents or guardians, or some person appointed by them.

14. Every pupil registered in any school shall be required to attend regularly and punctually and in case of absence or tardiness to give to the teacher either orally or in writing a reasonable excuse therefor; to be provided with the authorized text-books and other school requisites unless such are supplied by the board or by the Government; to be clean and tidy in person and clothes; to be diligent in studies, kind and courteous to classmates, and obedient and respectful to the teacher, and to conform to the rules of the school.

15. The board of trustees may require the parent or guardian of any pupil to replace or pay for any school property destroyed, broken or damaged by such pupil, and may suspend such pupil until the loss or damage is replaced or paid for.

#### COURSES OF STUDY.

16. The Department of Education prescribes courses of study for the use of teachers and these shall form the basis for the classification of pupils. Any modification of these courses to meet special conditions must have the approval of the Minister.

#### TEXT-BOOKS

17. The text-books used by the pupils in any school shall be those authorized or recommended by the Minister of Education. No teacher shall require his pupils to purchase any book, pamphlet or helps not so authorized or recommended.

#### SCHOOL LIBRARIES.

18. No books or pamphlets other than those authorized or approved by the Minister shall be placed in any school library.

19. The board shall provide such books as may from time to time be prescribed by the Department in which to keep a complete record of the books belonging to the school library, and also a record of every book loaned.

20. In all schools other than town schools the principal (or teacher) of the school shall be librarian and shall be responsible for the cataloguing and loaning of the books contained in the library.

21. Each book received into the library shall be distinctly marked on the inside of the front cover with the name and number of the school district, the number of the book, and the date when received. In addition thereto there may be attached to the outside of the book a label showing the stock or accession number.

22. At the close of each school term and at any other time which may be prescribed by the board all books belonging to a library shall be called in and the proper entries regarding their return made in the library record book.

23. It shall be the duty of the teacher and the secretary of every school to make such returns regarding the school library as may be required from time to time by the Department.

#### INSPECTION OF SCHOOLS.

24. The inspector, or in the case of a school division, the superintendent on the occasion of an official visit shall have supreme authority in the school, and he shall conduct his inspection of the school and the examination of the books and records of the district in accordance with the instructions of the Department.

25. If deemed necessary for the purpose of inspection, the inspector may extend the regular school hours, or, upon giving due notice to the teacher and pupils, he may require any school to be kept open on Saturday, in which case the attendance for Saturday shall be duly entered in the register.

#### TEACHERS' MEETINGS.

26. In every school in which more than two teachers are employed it shall be the duty of the principal to convene, at least once a month, a meeting of his assistants for the purpose of conferring on matters pertaining to the organization, management and discipline of the school. It shall be the duty of the assistant teachers to attend such meetings and in case of their neglect or failure to do so the principal shall report the matter to the board.



## TEACHERS' CONVENTIONS.

27. Upon receiving the approval of the Minister the officers of any teachers' association may arrange for a convention, the object of which shall be to promote the teaching efficiency of its members.

28. The inspector shall be, *ex officio*, a member of the committee of management of each association in his inspectorate, and he shall be consulted by the committee with respect to the arrangements for the convention.

29. Every such convention shall be subject to the following regulations:

- (1) The convention shall be held on such days as are approved by the Minister of Education.
- (2) The officials of each association shall transmit to the Minister at least ten days before the dates approved for the meeting, a copy of the programme proposed for the meeting of the association.
- (3) The secretary of the association shall give due notice of the convention to each teacher residing within reasonable distance of the place of meeting.
- (4) Each teacher attending the convention shall, on the opening day, enroll with the secretary, who shall issue to the teacher a certificate on the form prescribed by the Department. This certificate shall be countersigned by the teacher and transmitted to the Department with the term return of the district.

30. Every teacher who desires to attend any teachers' convention held under these regulations in the inspectoral division in which his school is located, shall have the right to do so. Should the certificate of attendance received by the Department show that a teacher has been present at any such convention, such teacher shall be entitled to salary and the board of his school district shall be entitled to grant for the days the teacher is necessarily absent from his school in order to attend such convention.

## SCHOOL FAIRS.

31. Subject to the approval of the Minister of Education, any number of school districts may be associated for the purpose of holding an annual school fair or a musical festival. Every teacher whose school is in such association, and whose pupils attend and compete, shall be entitled to salary, and the board of the school district shall be entitled to the school grant for the day on which such school fair or musical festival is held.

## SUMMER SCHOOL.

32. Summer schools for the professional improvement of teachers, to be conducted under the auspices of the Department of Education, may be held at such times and places and conducted under such conditions as may be prescribed by the Minister.

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