

1915

Bill 20

An Act respecting Irrigation Districts.

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ORGANIZATION OF DISTRICTS.

4. The majority of the owners of the full age of twenty-one years representing not less than one-half of the total area of land affected, and resident within any tract of land not already in an irrigation district may petition the Minister to erect such tract into an irrigation district under the provisions of this Act and such petition shall clearly define the area and boundaries of such tract.

(2) Accompanying such petition shall be a statutory declaration made by two responsible owners resident within the tract, who have signed the petition, that they verily believe that two-thirds of the proposed district can be irrigated from the proposed works, that the signatures to the petition have been affixed in their presence and that the signers are a majority of the owners of the full age of twenty-one years resident within the tract which it is desired to have created a district.

5. Upon receipt of such petition by the Minister he shall cause a notice to be published within one month in *The Alberta Gazette* stating that application has been made for the erection of such tract (describing it) into an irrigation district under the provisions hereof; and a like notice shall be published once by the petitioners in a newspaper published within the proposed district, or if there be no such newspaper then in the newspaper published nearest thereto.

6. If at the expiration of two weeks from the publication of the said notice in such newspaper no substantial objection to the erection of the proposed district has been made the Minister shall appoint a resident owner to be returning officer for the purpose of taking a vote of the owners within the proposed district upon the question of the erection of such district.

7. The Minister shall cause such returning officer to be notified of his appointment and on receipt of such notification the returning officer shall cause a notice signed by him in form A in the schedule hereto to be posted in at least ten conspicuous and widely separated places within such proposed district and in the post office therein or nearest thereto and shall also cause a copy of such notice to be published at least one week before the time fixed for the meeting in some weekly newspaper published in the proposed district or in case there is none published therein in a newspaper published at the point nearest thereto.

(2) Such meeting shall be held at or near the point most centrally situated within the proposed district where a suitable building therefor can be obtained.

(3) A certified copy of such notice together with a statutory declaration by the returning officer proving the due posting and publication thereof shall be forwarded to the Minister.

(4) The persons entitled to take part and vote at such meetings shall be the owners of the full age of twenty-one years.

(5) Any corporation, being an owner as defined by this Act, shall be entitled to vote by any one of its properly authorized officers, resident within the province.

8. At the hour appointed in the notice calling such meeting, which shall not be later than ten o'clock in the forenoon, the returning officer shall read to the meeting the petition for the erection of the district or a copy thereof and his appointment as returning officer, after which and until noon of the same day, he shall take the votes of the voters present on the question of the erection of the district.

(2) Every voter shall sign a declaration as in form B in the schedule hereto and record his vote as provided in such form.

(3) The returning officer may vote.

ELECTION OF TRUSTEES.

9. If such vote results in two-thirds of the voters voting in favour of the erection of the district, the returning officer shall proceed to hold an election of three trustees for the district and at one o'clock of the afternoon of the same day, the returning officer shall proceed to receive nominations of candidates for election as trustees.

10. Persons qualified as voters and no other persons shall be entitled to nominate candidates.

(2) Trustees shall be owners resident in the district and qualified as voters.

(3) Nominations may be made during the first hour of the election meeting.

(4) If no more than the requisite number of persons are nominated the returning officer shall declare them elected.

(5) If more than the requisite number of persons are nominated during such period, the returning officer shall at the expiration thereof declare the nominations closed and shall proceed to take a vote by open voting.

(6) The persons entitled to vote at such election shall be the owners of the full age of twenty-one years.

(7) Every voter shall have as many votes as there are trustees to be elected but shall in no case vote more than once for one candidate at the same election.

(8) If required to do so by any owner present or of his own accord, if deemed advisable, the returning officer shall administer an oath to any person applying to vote on the question of the erection of the district or the election of trustees for the district as to his qualification to vote, which oath shall be as follows:

"You do swear that you are of the full age of twenty-one years and that you are lawfully in possession or entitled to be in possession of agricultural land situate within this proposed irrigation district and that you have not received any reward or offer or promise of reward for voting at this election. So help you God."

Or in the case of an officer of any corporation, as follows:

"You do swear that you are of the full age of twenty-one years; that you are an officer of the (*naming the corporation*) resident within the province and duly authorized to vote on behalf of the said corporation; that the said corporation is lawfully in possession or entitled to be in possession of agricultural land situate within the proposed irrigation district; that neither you, nor to the best of your knowledge

and belief, the said corporation has directly or indirectly received any reward or offer or promise of reward for the vote which you now tender, nor do you or to the best of your knowledge and belief the said corporation expect to receive any. So help you God."

(9) The returning officer shall truly record in a poll book containing suitable columns, the name and residence of each person applying to vote, the land in respect of which he claims to be entitled to vote and unless he declines to take the oath the person or persons for whom he votes and if such person when required takes or declines to take the oath the returning officer shall record such fact in the poll book. Any person declining to take the oath shall not be permitted to vote.

(10) The poll book shall continue open until and be closed at the hour of five o'clock in the afternoon of the day of voting.

(11) At the close of the poll, the returning officer shall sum up the votes polled and declare elected the necessary number of candidates having the highest number of votes.

(12) The returning officer may vote and in case of an equality of votes for any candidates, the returning officer shall have a casting vote.

(13) Immediately after the election, the returning officer shall transmit to the Minister a statement of the result of the votes taken by him together with a solemn declaration in form C in the schedule hereto.

(14) The returning officer shall after he has forwarded his statement to the Minister hand the poll book to the secretary-treasurer of the district, when appointed.

(15) At subsequent elections, the secretary-treasurer of the district shall, unless the Minister appoints another person, be the returning officer and the provisions of this section shall apply and be observed at all elections of trustees.

(16) In case for any reason at any time trustees are not elected or are not duly elected hereunder the Minister may appoint trustees who shall hold office in all respects as if duly elected.

(17) If any two owners who were entitled to vote at the election make it appear to the satisfaction of the Minister by their solemn declaration that the election was irregularly or improperly conducted or that corrupt practices prevailed thereat and that by reason thereof, the result of the election was affected, the Minister may make or appoint some other person to make inquiries into the matter and cause evidence to be taken under oath or by solemn declaration and by order require the attendance of witnesses or production of documents and may make such order as to the said election and as to the persons entitled to hold the office of trustee as may seem proper and the trustees and officers of the district shall be bound by and shall observe such orders and the nonobservance of any order made under this section shall be an offence and the offender shall on summary conviction thereof be liable to a penalty not exceeding \$100.

11. If the statement made by the returning officer to the Minister under subsection 13 of section 10 hereof

shows that a two-thirds majority of the voters representing not less than one-half of the total area of land within the tract were in favour of the erection of the district, the Minister may, by order, erect the tract of land described in the petition into an irrigation district under the provisions of this Act.

(2) The order erecting such irrigation district shall set forth—

- (a) The name in full, situation and limits thereof;
- (b) The date and place at which the meeting of owners and the election of trustees was held;
- (c) The names of the elected trustees and their post office addresses.

(3) Such order shall be published within one month in *The Alberta Gazette*.

TRUSTEE'S DECLARATION OF OFFICE.

12. Every trustee shall within eight days after his election make the following declaration before the returning officer who shall forward the same to the Minister:

"I, A.B., do hereby accept the office of trustee to which I have been elected in (*name of irrigation district in full*) and I will to the best of my ability honestly and faithfully discharge the duties devolving on me as such trustee during the term for which I have been elected."

TRUSTEES' TERM OF OFFICE.

13. The trustees elected at the first election shall hold office as follows:

(1) The candidate receiving the highest number of votes or the first one nominated if no vote has been taken shall be elected to serve until and including the thirty-first day of December of the second year following the election.

(2) The candidate receiving the second highest number of votes or second in order of nomination shall be elected to serve until and including the thirty-first day of December of the year following the election.

(3) The candidate receiving the third highest number of votes or the third in order of nomination shall be elected to serve until and including the thirty-first day of December following the election:

Provided always that when the election takes place between the thirtieth day of June and the thirty-first day of December following in any year, the third trustee shall continue in office until and including the thirty-first day of December the year following the election; the second trustee shall continue in office until and including the thirty-first day of December of the second year following the election; and the first trustee shall continue in office until and including the thirty-first day of December of the third year following the election:

Providing also that the retiring trustee shall remain in office until his successor is elected.

ANNUAL ELECTION OF TRUSTEE.

14. The regular annual election of a trustee to fill the vacancy which occurs yearly shall take place on a day in

the first week in January at the hour of ten o'clock in the forenoon and in the event of more candidates being nominated at twelve o'clock noon than the number required to fill vacancies then existing in the board, the nominations shall be closed and a poll shall be opened at that hour and shall close at five o'clock in the afternoon of the same day and the proceedings at such annual election shall as nearly as possible be the same as at the first election of trustees.

TRUSTEES A BODY CORPORATE.

15. The board of trustees of every district created hereunder shall be a body corporate and shall have all the rights and be subject to all the liabilities of a corporation; and especially shall have full power to acquire, hold and alienate water rights and all other powers and privileges under *The Irrigation Act* and real and personal estate for all purposes of the district and by the same name they and their successors shall have perpetual succession and they shall have power to sue and be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever and they shall have a common seal with power to alter and modify the same at their will and pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property real or moveable for the use of the said district and of becoming parties to any agreements in the management of the affairs of the said district and shall have all the powers necessary for the construction, working, maintenance and renewal of irrigation works necessary for the uses and purposes of the said district and the inhabitants thereof.

CHAIRMAN AND SECRETARY-TREASURER.

16. The board shall within ten days after the date of their election hold a meeting at which they shall proceed to elect a chairman who shall preside at all meetings of the board and at the same meeting the board shall appoint a secretary-treasurer.

17. The chairman of any meeting of the board may vote with the other members of the board on all questions and any question on which there is an equality of votes shall be deemed to be negatived.

18. In the event of the absence of the chairman from any meeting the remaining members of the board shall elect another chairman from amongst themselves who shall have all the powers of the chairman at such meeting.

19. Meetings of the board of trustees may be called at any time by the chairman or by two trustees by giving seven clear days' written notice of the same, and may be held at any convenient place within the district.

REGULATIONS AND BY-LAWS.

20. Every board may make regulations and by-laws in respect of matters not provided for by this Act and not contrary to law, consistent with the objects for which the district was created, for governing its proceedings, calling

meetings, appointing committees and generally such regulations as the interest of the district may require, and may appeal, alter and amend its own regulations and by-laws except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

21. Every board may pass a by-law for paying the members thereof but such payment shall in no case exceed the sum of two dollars per day to each member and ten cents for every mile necessary travelled in going to and from the meetings of the board.

22. The board of trustees shall define the duties of its officers and shall exact security from the secretary-treasurer for the faithful performance of his duties and it shall be the duty of every board at its first meeting in each year or within a reasonable time thereafter to examine the security so exacted and see that the same is a valid security.

AUTHORITY FOR CONSTRUCTION OF WORKS.

23. The board shall forthwith after the erection of such district under the provisions hereof proceed to make an application in accordance with the provisions of *The Irrigation Act* for the water necessary for the irrigation of the district and for authority to construct the necessary works for the utilization of such water and may employ such surveyors or engineers as are required to obtain the necessary information to enable them to make such application.

(2) The board, instead of or in addition to making application for an authorization, may, subject to the approval of the Minister, enter into any contract for the construction or operation of any works or the supply or sale of water for irrigation purposes to or within the district, or for all or any of such objects with any company (as defined in *The Irrigation Act*) to which an authorization or license has been granted under *The Irrigation Act*; and all the provisions of this Act shall apply to the works provided for, or the supply or sale of water under the said contract, to the extent necessary to enable the board to carry out any such contract according to the terms thereof.

24. If the authorization to construct such works as provided by section 20 of *The Irrigation Act* be not obtained or a contract be not entered into as provided by subsection (2) of section 23 hereof, within six months after the date of the order creating the district or such further time as the Lieutenant Governor in Council may direct, the district shall cease to exist as such.

25. If the authorization provided for by section 20 of *The Irrigation Act* is issued such authorization together with a copy of the maps and plans required by *The Irrigation Act* shall be filed in the office of the secretary-treasurer of the board and shall be open for inspection by any owner or his agent at all reasonable times.

ENGINEER OF DISTRICT.

26. Immediately upon receipt of the authorization provided by section 20 of *The Irrigation Act* the board shall proceed to appoint a qualified engineer for the district

whose duty it shall be to make the necessary detailed surveys for the proposed works together with the maps and plans of the same and he shall also make a careful estimate in detail of the amount required to construct the several portions of the proposed works and of the total amount required to complete the same; he shall also make an estimate in detail of the amount required to be expended in each year for the purpose of maintaining and operating the said works when constructed and such maps, plans and estimates shall be filed by him in the office of the secretary-treasurer and shall be open for inspection by any owner or his agent at all reasonable hours.

(2) Where any contract is or is proposed to be entered into by the board under the provisions of section 23, subsection (2) hereof, the board may appoint such an engineer to report upon such proposed contract or to advise the board from time to time upon the due performance thereof.

ASSESSMENT ROLL.

27. Upon completion of the maps, plans and estimates provided for in the preceding section the engineer so appointed shall make an assessment roll of the district in which he shall set down to the best of his knowledge, information, skill and ability in the first column thereof the name of each owner of each parcel of land in the district which is liable to taxation under the provisions hereof; in the second column thereof a description of the lands so owned; in the third column thereof the number of acres which are capable of being irrigated by the proposed works as shown by the maps and plans prepared by the engineer, and in the fourth column the number of acres which are not capable of being so irrigated.

(2) All land lying at a lower elevation than the sill of any gate by which, if constructed, water could be delivered for the irrigation of such land, and which land, in the opinion of the engineer, can be put in condition for irrigation and provided with the necessary lateral distributing system at a cost not exceeding eight dollars per acre of the land to be irrigated, shall be deemed to be irrigable for the purposes of this Act.

28. The engineer shall also in such assessment roll give a description of each parcel of lands liable to taxation the owners of which are unknown to him and shall opposite to each parcel enter in the several columns of the said roll the same particulars as are required by the preceding section.

29. Occupants of Crown lands in respect of which homestead or purchase rights have been granted shall be liable to taxation in respect of their occupancy of the same in the same way as owners of other land.

30. Upon completion of the assessment roll the engineer shall hand the same to the secretary-treasurer of the board who shall within one week after its receipt deliver to each person residing in the district whose name appears on the assessment roll or leave at his residence a notice setting forth the land in respect of which he is assessed or entered on the said roll and the number of irrigable and nonirrigable acres therein and shall mail a similar notice by registered letter to all the persons whose names appear on such roll

who reside without such district and shall enter on the roll opposite the name of each person therein the date of such delivery or mailing and such entry shall be *prima facie* evidence of such delivery and of the date thereof.

(2) The assessment roll shall remain in the office of the secretary-treasurer of the board except when it is required before the court of revision or before a judge and shall be open for inspection by any owner or by his agent.

COURT OF REVISION.

31. The board shall form a court of revision for the trial of complaints of any owner as to himself or any other person being wrongfully assessed on the said roll or omitted therefrom or of being assessed in respect of property of which they are not the owners or occupants or as to the number of acres stated on such roll to be contained in any parcel or as to the number of acres thereof stated therein as being capable of irrigation by means of the proposed works.

32. The secretary-treasurer shall be the clerk of the court of revision and shall record all the proceedings thereof.

33. The proceedings of the court of revision and the mode of appeal thereto shall be as follows:

1. Any owner desiring to appeal may within two weeks from the date of the delivering or mailing of the assessment notice notify the secretary-treasurer in writing of the particulars and grounds of his appeal.

2. Forthwith after the receipt by the secretary-treasurer of the assessment roll he shall notify the board thereof and the board shall thereupon fix a day not less than one but within two months after such receipt of the roll and a place at which they will sit as a court of revision.

3. As soon as the time within which notice of appeal may be given has expired the secretary-treasurer shall personally or by mail notify the parties appealing and appealed against of the time and place fixed for the sitting of the court of revision.

4. The court of revision may meet and adjourn from time to time but so that their duties shall be completed within the said two months.

5. All evidence before the court of revision shall be taken on oath and any member of the court shall be competent to administer the oath to any person giving evidence before the court and the secretary-treasurer may when required issue a summons to any witness to attend such court or produce documents thereat and if any person so summoned as a witness fails without good and sufficient reason to attend or produce documents (having been tendered witness fees at the rate of \$1 per day and actual railway fare or mileage at the rate of ten cents per mile where railway is not available) he shall be guilty of an offence and on summary conviction thereof be liable to a penalty not exceeding \$50.

34. If at any time not later than two weeks before the date fixed for holding the court of revision it shall be

discovered that any property has been omitted from the assessment roll the secretary-treasurer shall forthwith notify the owner thereof if he resides or has a place of business within the district that application will be made to the court of revision to add the name of such owner and the said property to the assessment roll and that such owner is required to attend the court of revision to show cause why the said property should not be assessed.

(2) If such owner does not reside within the district then such notice shall be posted by registered letter to the post office address of such owner.

(3) After such notice has been given as aforesaid and after the expiration of the time mentioned therein or if such person be not known then without any notice the board may unless good cause is shown to the contrary assess such property and direct the secretary-treasurer to enter the same upon the assessment roll with the name of such person if known upon which entry the said property shall be deemed to have been duly assessed.

35. The roll as finally passed by the court shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect, error or mis-statement in any notice required by this Act or the omission to deliver or transmit such notice.

36. The assessment roll herein provided for and as revised under the provisions hereof shall be the revised assessment roll of the district until such time as the board shall by by-law from time to time provide for the making of a new assessment roll and any assessment made under any such by-law shall be made and revised under and subject to all the provisions of this Act relating to assessments or appeals therefrom.

BY-LAW FOR RAISING LOAN.

37. If upon the revision of such roll in the manner herein provided it is found that the amount required to construct and complete the proposed works according to the maps, plans and estimates of the engineer and the amount required to defray the necessary expenses incurred in procuring the erection of such district and the said authorization including the cost of surveys and plans therefor (or the total amount required to be raised under the provisions of any contract proposed to be entered into under the provisions of section 23, subsection (2) hereof including all such necessary expenses) do not together exceed an amount equal to twenty-five dollars per acre of the lands shown by such assessment roll to be capable of irrigation by means of the proposed works and that the amount required to be raised annually for the purpose of maintaining such works and paying the expenses of the administration of the affairs of such district does not exceed an amount equal to one dollar and fifty cents per acre of the lands shown by such roll to be capable of irrigation by means of such works the board shall forthwith submit to a vote of the voters of the said district a by-law providing for raising by loan upon the credit of the district the amount shown by such estimate to be required for the purposes

of defraying the cost of construction of such works and the amount required to defray the necessary expenses incurred in procuring the erection of such district and in the proceedings hereunder and of obtaining such authorization (or the amount required to be raised under the provisions of any contract proposed to be entered into as aforesaid) and for levying the necessary rates for the payment of such loan and the interest accruing thereon and for the issues of debentures for the same.

38. Such by-law shall set forth—

- (a) The object of the by-law;
- (b) The date upon which it shall take effect;
- (c) The amount of the proposed loan showing the purposes for which it is proposed to be raised and the several amounts required for each purpose;
- (d) The times and manner of repayment thereof or of the debentures to be issued therefor, the rate of interest thereon and the times for payment thereof;
- (e) The total irrigable acreage of the rateable real property in the district as shown by such revised assessment roll;
- (f) The specific sum to be raised in each year during the currency of the by-law for the purpose of paying the several instalments of principal and interest payable thereunder.

39. Such by-law and the debentures issued thereunder shall provide for the payment of the whole principal money within thirty years from the time the by-law takes effect and shall be repayable by annual instalments extending over the whole of such period or the last twenty years thereof.

40. The board may in and by such by-law divide such district into polling subdivisions for the purpose of taking such vote and shall thereby fix the day and hour and polling place or places for taking the same and fix the time and place when and where the returning officer shall sum up the number of votes given for or against the by-law.

(2) The day so to be fixed for taking such votes shall not be less than two or more than four weeks from the first publication of such by-law in the manner hereinafter mentioned.

(3) The board shall appoint a returning officer and if necessary deputy returning officers. The returning officer may act as a deputy returning officer in which case the provisions hereof applicable to deputy returning officers shall apply to him.

41. The board shall before the voting thereon by the ratepayers publish a copy of the by-law in some newspaper published within the said district or if there be no such newspaper then in some newspaper published near the district and such publication shall appear in at least one number weekly of such newspaper for two consecutive weeks and the secretary-treasurer shall post up a copy of the by-law in his office.

42. Appended to each copy so published shall be a notice signed by the secretary-treasurer stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the board after being voted on by the voters and stating the date of the first publication and the day, hour and place or places fixed for taking the votes of the persons entitled to vote.

43. The persons qualified to vote at the taking of the vote upon such by-law shall be the owners who were assessed on the last revised assessment roll and are of the full age of twenty-one years, and in the case of a corporation, being an owner as defined by this Act, any one of its properly authorized officers, resident within the province.

44. At the request of any person who is entitled to vote on such by-law the returning officer or deputy returning officer shall administer to any person applying to vote an oath of qualification in the following form:

"You do swear that you are of the full age of twenty-one years; that you are lawfully in possession or entitled to be in possession of agricultural land situate within the Irrigation District; that you were assessed on the last revised assessment roll of the said district; that you have not already voted on the by-law now before the voters and that you have not received any reward or offer or promise of reward for voting on the said by-law. So help you God."

Or, in the case of an officer of any corporation, the following:

"You do swear that you are of the full age of twenty-one years; that you are an officer of the (*naming the corporation*) resident within the province, and duly authorized to vote on behalf of the said corporation; that the said corporation is lawfully in possession or entitled to be in possession of agricultural land situate within the Irrigation District and was assessed on the last revised assessment roll of the said district; that neither you, nor to the best of your knowledge and belief, any one on behalf of the said corporation has already voted on the by-law now before the voters; and that neither you, nor to the best of your knowledge and belief the said corporation, had received any reward or offer or promise of reward for voting on the said by-law. So help you God."

45. The votes upon the by-law shall be given by ballot in the manner hereinafter set forth and the ballots shall be in form D in the schedule hereto.

46. The returning officer shall procure or cause to be procured as many ballot boxes as there are polling subdivisions in the district and cause to be printed a sufficient number of ballot papers for the purposes of the election.

47. The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer.

48. The returning officer shall before the poll is opened cause to be delivered to every deputy returning officer the ballot papers and materials for marking the ballot papers.

49. The secretary-treasurer of the board shall supply to each deputy returning officer before the opening of the poll a certified list of the names of the owners of land within his polling subdivision as shown by the last revised assessment roll and no persons other than those named on such list shall be entitled to vote on such by-law.

50. Every deputy returning officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots screened from observation and may appoint a constable to maintain order at the polling place.

51. Every deputy returning officer shall immediately before the commencement of the poll open the ballot box and call such person as may be present to witness that it is empty; he shall then lock and properly seal the same to prevent its being opened without breaking the seal and then place the box in view for the reception of ballots and the seal shall not be broken nor the box unlocked during the time appointed for taking the votes.

52. No person shall be allowed in any polling place during the hours for polling except the returning officer, the deputy returning officer, the constable (if any), the voter engaged in voting and any agents appointed as in this section provided.

(2) On application to him the returning officer may appoint two persons for each poll to act as scrutineers on behalf of the persons in favour of the passage of the by-law and two persons for each poll to act as scrutineers on behalf of the persons opposed to the passage of the by-law but before such persons act as such agents they shall severally subscribe and make a declaration before the returning officer or a person empowered to administer oaths in the following form:

"I, . . . , do solemnly declare that I am interested in and desirous of securing (*or* opposing, *as the case may be*) the passage of the by-law now being or about to be submitted to the vote of the owners in Irrigation District."

53. Proceedings at the poll shall be as follows:

1. On a person presenting himself for the purpose of voting the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered upon the voters' list of his polling subdivision.

2. If such person takes the oath prescribed by this Act the deputy returning officer shall cause to be entered opposite the name of such person in the proper column of the voters' list the word "sworn".

3. When such person as aforesaid has been required to take the oath prescribed by this Act and refuses to take the same the deputy returning officer shall cause to be entered in the proper column of the voters' list the words "refused to be sworn"; no person who has refused to take the oath prescribed by this Act when requested

to do so shall receive a ballot paper or be admitted to vote.

4. When the vote is objected to the deputy returning officer shall cause to be entered in the proper column of the voters' list opposite the voter's name the words "objected to".

5. After the proper entries respecting a person claiming to vote have been made in the voters' list in the manner prescribed the deputy returning officer shall stamp or sign his initials upon the back of the ballot paper and shall deliver the same to such person.

6. The deputy returning officer shall explain to the voter the mode of voting.

7. The deputy returning officer shall cause to be placed in the proper column of the voters' list a mark opposite the name of every voter receiving a ballot paper.

8. Only one person claiming to be entitled to vote shall be allowed at a time in the polling place.

9. Every person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper by placing a cross opposite the words "for the by-law" or opposite the words "against the by-law" as the case may be in accordance with his intention to vote for or against the proposed by-law; he shall then fold the ballot paper so as to conceal the marks on the face of the paper but so as to expose the initials of the deputy returning officer and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone or in any manner making known to any person which way he has voted deliver the same to the deputy returning officer who shall without unfolding it verify his initials and at once deposit it in the ballot box in the presence of all persons then present in the polling place.

10. While any voter is in the compartment for the purpose of marking his ballot paper no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper except as hereinafter provided.

11. In case any elector states he is unable to mark his ballot paper—

(a) The deputy returning officer shall administer an oath to such elector that he is unable to mark his ballot paper and shall then cause the vote of such elector to be marked as he directs and shall then place the same in the ballot box; and

(b) The deputy returning officer shall state in the voters' list opposite the name of such elector in the column for remarks the fact that the ballot paper was marked by him at the request of the voter and the reasons therefor.

12. Any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may on returning the same to the deputy returning officer and proving the fact to him obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so spoiled the word "cancelled", and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided.

13. Any person who has received a ballot paper and who leaves the polling place without delivering same to the deputy returning officer in the manner provided or if after receiving the same refuses to vote shall forfeit his right to vote and the deputy returning officer then shall make an entry in the voters' list opposite the name of such person in the column for remarks that such person received the ballot paper but did not return the same or that the person returned the ballot paper and declined to vote in which case the deputy returning officer shall mark upon the face of the ballot paper the word "declined", and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided.

14. Any deputy returning officer who is entitled to vote in a polling subdivision other than the one in which he is performing the duties of such officer may, subject to the other provisions hereof, vote at the polling station at which he is so engaged providing he produces a certificate from the secretary-treasurer that he is a qualified voter within the district and the deputy returning officer shall attach such certificate to the voters' list.

54. Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk, if there be one, open the ballot box and proceed as follows:

1. He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the voter is entitled to give or on which anything appears by which the voter can be identified and any ballot paper so rejected shall be void;

2. Take a note of any objection made by any agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;

3. Number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed" as the case may be, with his initials;

4. Count the votes given for or against the said by-law from the ballot papers not rejected and make a written statement of the number of votes given for or against the said by-law and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and such of the agents present as may desire to sign the same;

5. The deputy returning officer shall then certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed, and make up into separate packets—

- (a) The statement of votes given for and against the by-law and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and which have not been counted;
- (c) The ballot papers which have been objected to but which have been counted;
- (d) The rejected ballot papers;
- (e) The declined and cancelled ballot papers;
- (f) The voters' list;

which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto and marked on the opposite side with a memorandum designating their respective contents, shall by the deputy returning officer be transmitted forthwith to the returning officer.

55. After the close of the poll the deputy returning officer shall make and subscribe before a justice of the peace a declaration in the following form:

"I, the undersigned, deputy returning officer for polling subdivision No. of Irrigation District do solemnly declare that the poll book kept by me for the said polling subdivision on the vote on the by-law of said district to raise \$... by way of loan was correctly kept, that the total number of votes polled at said polling subdivision was of which were in favour of the said by-law and ... were against it, that the voters' list used at said poll was used in the manner prescribed by law and the entries required to be made therein were made according to law and that I faithfully performed all the duties required of me by law."

(2) Such declaration shall be attached to the voters' list and sent to the returning officer.

56. At the time and place fixed for declaring the result of the election, the returning officer shall open the packet containing the statement of the number of votes given for and against the by-law and shall publicly declare as to whether the by-law has been assented to or rejected by the voters, as the case may be, in accordance with the majority of the votes cast.

57. After the voting the ballot boxes, packets and returns together with a statement showing the result of the vote shall be transmitted by the returning officer to the secretary-treasurer who shall be responsible for their safe keeping and for their delivery when required.

58. If the majority of votes polled upon such by-law is against the passing thereof the board shall forthwith report the same to the Minister and shall immediately proceed to discharge all the outstanding liabilities of the district and shall have power to make such assessments and levy such rates as may be necessary for such purpose; and so soon as all debts and liabilities of the district have been so discharged it shall immediately cease to exist as such.

59. If the majority of votes polled upon such by-law is in favour of the passing thereof it shall within one week from the day of voting be finally passed by the board.

60. The by-law for raising such loan shall receive the assent of the Minister of Municipal Affairs after the final passing thereof by the board which assent shall be conclusive evidence that all necessary formalities in respect to the passing thereof and to the vote thereon have been complied with; and the legality of the said by-law and of all debentures issued thereunder shall be thereby conclusively established and shall not be questioned in any court.

61. The trustees, having received notice of the assent of the Minister of Municipal Affairs to such by-law, shall issue debentures for the amount of such proposed loan to secure the repayment of the same with interest upon the terms specified in the by-law; and the said debentures and the coupons thereof shall be sufficient when signed by two of the trustees of the district to bind the district and, in the hands of any holder thereof shall be a charge or lien upon all the land (including the buildings and improvements thereon) within the district, and upon all the property of the district and all rates levied under the provisions of this Act therein.

62. The debentures to be issued under any such by-law shall be in the form following or to the like effect:

"CANADA
PROVINCE OF ALBERTA.

\$.....	Debenture No.....
"The trustees of..... Irrigation District	
promise to pay to the bearer at.....	
the sum of.....dollars of lawful money	
of Canada in. equal annual instalments	
with interest at the rate of.....per cent. per	
annum in the manner specified in the coupons attached	
hereto.	
"Dated this.....day of..... 1....	
"For the said trustees.	
.....	Trustee.
.....	Trustee.

"COUPONS.

"Coupon No.....
"Debenture No.....
"The trustees of..... Irrigation District
will pay the bearer at. on the.
day of....., 1....., the sum of
.....dollars, being the....
payment with the total interest at the rate of....
per cent. per annum due on that day on Debenture
No.. ..
..... Trustee.
..... Trustee."

63. The board shall not later than the first day of May in each year after the by-law takes effect make an estimate of the amount required to pay the instalments of principal and interest payable under such by-law up to the expiration of such year and the lawful expenses which shall be incurred during such year in carrying out the provisions of this Act, including salaries and expenses of officers and such allowances as the members of the board may be entitled to under the provisions hereof and the general expenses of the district, and shall forthwith pass a by-law authorizing and directing the levying and collecting of an equal rate upon each acre of irrigable land as shown by the last revised assessment roll for the district which rate shall be sufficient to raise the amount of such estimate after making all due and reasonable allowances for the cost of collection and abatement for losses which may occur in the collection of taxes.

64. The secretary-treasurer shall be the collector of taxes for the district but the board may appoint another person to be such collector.

65. Immediately after the passing of such last mentioned by-law in each year the secretary-treasurer shall make out a collector's roll in which he shall set down in the first column thereof the full name of every person whose name appears upon the revised assessment roll as the owner of any irrigable land and in the second column thereof the amount for which each person is assessed in such assessment roll for such year and in the third column thereof the amount of the taxes and rates with which he is chargeable under the said last mentioned by-law and shall unless he himself is collector deliver the roll certified under his name to the collector appointed by the board.

66. The collector shall forthwith after the completion or delivery to him of such collector's roll leave at the usual residence or place of business of or transmit by mail to each person whose name appears on the said roll or to any agent of such person in the district a statement and demand of the taxes charged against him, which statement shall state the time such taxes are required to be paid and the collector shall enter the date of delivery or mailing such notice in said collector's roll opposite the name of the person taxed and such entry shall be *prima facie* evidence of the due delivery of such statement and demand.

67. All rates, charges and taxes payable under the provisions of this Act shall be paid to the collector within fourteen days after such demand thereof by the said collector, and in case of refusal or neglect to pay the same within such time or in case the same shall not be paid before the return of the roll the collector or the secretary-treasurer may levy the same with the costs of distress and sale by distress and sale of the goods and chattels of the defaulter situated within the district or of any goods and chattels found upon the premises assessed.

68. Rates, charges and taxes may be recovered as a debt due to the board in which case the production of the collector's roll or a copy of so much thereof as relates to the rates, charges or taxes payable by any person, certified by the secretary-treasurer to be a true copy, shall be *prima facie* evidence of the debt.

69. The collector shall on or before the first day of December in each year or such later time as the board may direct return the collector's roll to the secretary-treasurer, with an account of all moneys received by him, accompanied by a solemn declaration made before an officer authorized to administer oaths, that the collection and other proceedings have been taken in accordance with the terms of this Act and that the returns contained therein are correct.

ARREARS OF TAXES. PROCEDURE AGAINST LAND.

70. The secretary-treasurer shall on or before the 15th day of January in each year make a return verified by his solemn declaration to the board in such form as may be prescribed by the board showing all lands within the

district upon which taxes are overdue and unpaid together with the years for which such taxes are due.

(2) The return shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

71. On production of such return by the board or some solicitor authorized by the board to a judge of the Supreme Court in chambers such judge shall appoint a time and place for confirmation of the said return, notice of which shall be published in every issue of *The Alberta Gazette* for at least two months, and any further or other notice of the appointment shall be given as the judge may direct.

(2) A notice of the time and place fixed for the confirmation of such return shall be sent by mail at least sixty days prior to the time so fixed to each person who appears by the records of the land titles office for the land registration district in which the said lands are situate, or by the said return, to have any interest in the lands mentioned in the said return and whose post office address is shown by said records or return; and the entry against such lands of the date of mailing such notice together with the initials of the secretary-treasurer or other officer of the board shall without proof of the appointment or signature of such person be *prima facie* evidence that the required notice has been mailed.

(3) Any person interested in any land shown in such return may pay the taxes shown by such return to be overdue and any additional sum payable under the provisions hereof and recover the amount so paid from the person liable to pay the same as a debt due from such person.

72. At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default and report the adjudication to the board and shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over one year naming the amounts severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application and the effect of such adjudication shall be to vest in the board the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by payment to the board of the amounts named including expenses as aforesaid together with a redemption fee of five cents for each and every acre in the parcel so redeemed.

(2) For the purposes of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) A copy of such adjudication certified by the secretary-treasurer of the board shall be forwarded to the registrar of the land registration district in which the lands named in the adjudication or any of them are situate, and such copies shall be notice to all persons of the facts therein set forth.

(4) If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 72 of this Act pays the taxes upon such land before the date fixed for confirmation of such return but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue pay the sum of five cents for each and every acre in such parcel to cover the costs of the proceedings.

73. At any time after the expiration of one year from the date of such adjudication on *ex parte* application by the board or its appointee and production of the last named adjudication together with such proof of nonredemption as the judge may require the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner be absolutely vested in the board freed from all liens, mortgages and encumbrances of whatever nature and kind the same may be, except the charge or lien creates under the provisions of this Act.

75. The board may from time to time offer for sale any lands vested in the board as herein provided at such prices and upon such terms as may be fixed by the board.

76. The taxes accruing upon or in respect of any land in the district liable to taxation under the provisions hereof shall be a special lien upon such land including the buildings and improvements thereon having preference over any claim, lien, privilege or encumbrance and of any party whomsoever.

WATER USERS' DISTRICTS.

77. A majority of the owners of the full age of twenty-one years resident within any tract of land, capable of being irrigated from works already constructed or authorized, or to which water is being supplied for irrigation purposes from such works, may petition the Minister to erect such tract into a water users' district under the provisions of this Act, and such petition shall define the area and boundaries of the proposed district; and shall be accompanied by the written consent of the company (as defined in *The Irrigation Act*) to whom the authorization or license has been granted, certifying that the area and boundaries of the proposed district are approved by such person and that the said works can be utilized for supplying water for irrigation purposes to the said tract.

(2) Accompanying such petition shall also be a statutory declaration made by two responsible owners resident within the tract who have signed the petition that they verily believe that the said works can be utilized for the irrigation of the said tract; that the signatures to the petition have been affixed in their presence and that the signers are a majority of the owners of the full age of twenty-one years, resident within the tract which it is desired to have created a water users' district.

78. All the provisions of this Act with respect to the erection of irrigation districts, the election, powers, rights and duties of trustees, the preparation and revision of assessment rolls, the passage of by-laws for the raising of loans, the issue of debentures, the levying and collecting

of rates, the procedure in respect of arrears of taxes, alterations of boundaries and the enforcement of executions against districts and the forms in the schedule to this Act shall *mutatis mutandis* be applicable to any proposed water users' district in respect of which a petition is presented to the Minister as provided for in the preceding paragraph hereof, and to any such water users' district when erected.

GENERAL PROVISIONS.

79. In addition to the powers hereinbefore mentioned the board shall subject to the provisions of *The Irrigation Act* have and possess and may exercise all the powers which may be necessary in order to enable them to construct and maintain the said works and may by by-law provide for the construction or maintenance thereof or both in such manner as it may see fit and may also make and enforce such regulations as it may see fit respecting the supply of water to any person and for the disposal or supply of any surplus water which is not required for the purposes of the district and for the cutting off or stopping the supply of any water to any person in arrears in respect thereof and to any persons from whom rates or taxes are due to such district.

80. The board may pass by-laws from time to time authorizing the chairman and treasurer thereof to borrow from any person, bank or corporation such sum or sums of money as may from time to time be required to pay any instalment of principal or interest or both falling due upon any such debentures or to provide for any other expenditure until such time as the taxes levied or to be levied therefor can be collected.

81. In case of any vacancy in the board by death, resignation or otherwise the remaining members of the board shall appoint some owner residing within the district to the vacant position. In case there are no members of the board remaining the Minister shall appoint three such persons to constitute the board.

82. In case the board shall at any time fail to appoint the necessary officers to carry out the provisions of this Act or in case any officer appointed by the board shall fail to perform the duties prescribed by this Act the Minister shall appoint the necessary officer or officers for the purpose of carrying out the provisions hereof and any such officer so appointed shall have and possess all the powers and shall perform all the duties of his office in the same manner as if he had been appointed by the board.

ALTERATION OF BOUNDARIES.

83. The Minister shall have power to alter and amend the boundaries and area of any district erected as herein provided by adding thereto or taking therefrom but no area shall be added to a district unless the majority of the owners in such area signify their consent to such addition nor shall any portion of a district be cut off unless the board by resolution agrees to such reduction in the area of the district.

(2) In case of any district having any debenture debt outstanding no alteration shall be made in the same or in

the boundaries thereof which will prejudicially affect the rights or security of the holders of any such debentures.

(3) The order of the Minister amending the boundaries or area of any district erected under the provisions hereof shall be published in *The Alberta Gazette* and a copy thereof filed by the board.

EXECUTIONS AGAINST DISTRICTS.

84. Any writ of execution against a district may be indorsed with a direction to the sheriff to levy the amount thereof by rate and the proceedings thereon shall be as follows:

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

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

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

4. In case at any time for levying the annual rates next after the receipt of such precept the secretary-treasurer of the board has a general rate roll delivered to him for such year he shall add a column thereto headed: "Execution rate in A.B. versus The. Irrigation District.," as the case may be, adding a similar column if there are more executions than one and shall insert therein the amount by such precept required to be levied upon each owner respectively and shall levy the amount of such execution rate aforesaid and shall within the time that he is required to make the return of the general annual rate return to the sheriff the precept with the amount levied thereon deducting his percentage;

(5) The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary-treasurer of the board for the general purposes of the district;

(6) In case the secretary-treasurer of the board of any district against which an execution has issued is not paid by percentage fixed by by-law of the district he shall be paid for such collection a sum not exceeding two and one-half per centum of the amount collected.

85. The secretary-treasurer or collector of the district shall for the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions

of this Act with respect to such execution be deemed to be officers of the court from which such writ was issued and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

86. In case there is no secretary-treasurer or collector and the trustees refuse or neglect to appoint such officers or in case such officers are absent from the district or for any reason the sheriff is unable to proceed as herein provided he may (upon application to a judge of the Supreme Court) be invested with full power and authority to assess, levy, collect and enforce payment 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 allowances for the costs, levy, collection and enforcement of payment as the judge may allow, in the same manner as assessors, collectors or secretary-treasurers are authorized to do by this Act: Provided that in case any person desires to appeal from any assessment or omission of assessment by the sheriff appeal may be had to a judge of the Supreme Court.

87. In all proceedings for levying, collecting and enforcing payment of any sum or sums of money under any execution against a district, resort shall first be had to the irrigable lands within the district and for the purposes of this section "irrigable lands" shall be deemed to mean any and every quarter section of 160 acres and any and every parcel of less than 160 acres, of land within the district, any portion of which is irrigable; should the irrigable lands within the district be found insufficient to satisfy any such execution, resort shall be had to all other lands within the district; provided that a judge of the Supreme Court may, at any time, if it be made to appear to his satisfaction that it is necessary for the due protection of any execution creditor, order that such proceedings may be taken in respect of all lands within the district, irrigable and nonirrigable alike.

88. The Minister may from time to time make such regulations and prescribe such forms in lieu of or in addition to the forms in the schedule to this Act as may be deemed necessary for the proper carrying into effect of the provisions of this Act.

89. *The Irrigation District Ordinance* No. 30 of 1898, with all amendments thereto, is hereby repealed.

SCHEDULE.

FORM A.

Notice is hereby given that under the provisions of *The Irrigation District Act* the undersigned has been appointed by Minister of Public Works for the purpose of taking a vote on the question of the erection of the Irrigation District and, if such vote is in favour of the erection of such district, to hold an election of three duly

qualified persons to compose the board of trustees of the said irrigation district which comprises the following area:
(Here set out area).

The persons entitled to vote are such persons as are of the full age of twenty-one years who are lawfully in possession of or entitled to be in possession of land situate within the district.

Now therefore the electors so qualified to vote are hereby notified to attend at (describing the place of voting) on the day of, 1., at the hour of ten o'clock in the forenoon at which hour and place I will proceed to take a vote on the said question and if the vote thereon is favourable to the erection of the district I will at one o'clock in the afternoon of the said date receive nominations for persons to serve as such trustees and if at the hour of two o'clock in the afternoon on said day more than three persons have been nominated I will forthwith proceed to hold a poll and receive the votes of persons qualified to vote which poll will continue open until and close at the hour of five o'clock in the afternoon of said day at which time I will declare the result of the poll.

Dated this. day of., 1.
.....
Returning Officer.

FORM B.

..... Irrigation District.
The undersigned severally declare each for himself that he is an owner of land, as defined in *The Irrigation District Act*, in the above mentioned district; that he is of the full age of twenty-one years and that the votes upon the land set opposite his name and for or against the erection of the said district as indicated by the cross set opposite his name.

Name.	Land voted upon.	For the erection of the district.	Against the erection of the district.

.....
Returning Officer.

FORM C.

..... Irrigation District.
I, A.B., Returning Officer for the..... Irrigation District, hereby solemnly declare that the record of votes annexed signed by me is a true record of the votes cast upon the..... day of..... 1....., for and against the erection of the district and (if the vote was in favour of the erection of the district) for the election of three trustees for the district, and I make this solemn declaration conscientiously believing it

to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at. }
 this. day }
 of. 1. } *Returning Officer.*

A Commissioner or J.P.

FORM D.

.. . . Irrigation District.

BALLOT PAPER.

Vote on by-law to raise \$..... for the construction of the works required for irrigation of the district,

For the By-law	
Against the By-law	

No. 20

THIRD SESSION
THIRD LEGISLATURE
5 GEORGE V
1915

BILL
An Act respecting Irrigation Districts.

Received and read the

First time

Second time

Third time

C. Stewart
HON. ~~A. I. McLEAN~~.

EDMONTON:
J. W. JEFFERY, Government Printer
A. D. 1915.