

BILL

No. 13 of 1917.

An Act to amend The Drainage Act.

(Assented to _____, 1917.)

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

The Drainage Act, being chapter 24 of the Statutes of Alberta, 1916, is hereby amended as follows:

1. By repealing section 3 and substituting therefor the following:

"3. Upon the petition of the resident owners of at least two-thirds of the area of the lands of resident owners within the area described in the petition the Minister may, for the purpose of ascertaining whether the drainage work is required and the probable cost thereof, procure an engineer to make an examination of the area to be drained, the stream, creek or watercourse to be deepened, straightened, widened, cleared of obstructions or otherwise improved, or the lake or pond the waters of which are to be lowered according to the prayer of the petition.

"(2) Such petition shall be in form A in the schedule hereto, or to like effect.

"(3) Such petition shall be accompanied by a statement as shown in form B in the schedule hereto, setting forth the names of the resident owners of lands in the area desired to be drained described in the said petition and the lands respectively owned by them, the facts of which statement shall be verified by a statutory declaration made by at least two of the petitioners, and by abstracts of title, or extracts from the assessment roll of the municipality certified to as correct by the secretary-treasurer.

"(4) Such petition shall contain the name of a disinterested party whom the petitioners nominate to represent them on the board of assessors for assessing the cost to be borne by each particular parcel of land affected by the construction of the drainage work petitioned for."

2. Section 4: By striking out all the words after the word "affected" in the fourth line thereof.

3. Section 7: By inserting after the word "council" in the second line thereof the words "the Minister shall appoint a resident of the area or of the vicinity of the drainage district to act on the board of assessors and who shall together with the representative nominated by the petitioners, choose a third party, and the board thus chosen shall, as soon as possible, apportion the cost of the work to be borne by every parcel of land, and".

4. Section 8: By striking out the words "form B" in the seventh line thereof and substituting therefor the words "form C".

By striking out the words "which would be affected" in the tenth line thereof and substituting therefor the words "of lands of resident owners".

5. Section 9: By adding to said section the following proviso:

"Provided that where in the opinion of the Minister the amount to be collected is too large to be levied in one year he may instruct the secretary of the municipality to levy the amount in equal instalments over a period of three or five years, with interest at six per centum per annum."

6. Section 10: By adding after the word "hour" in the eleventh line thereof the words "in chambers".

7. Subsection (3) of section 10: By adding after the word "specifications" in the seventeenth line thereof the word "and", and by striking out the word "assessments" in the said seventeenth line thereof and substituting therefor the words "the board of assessors".

8. Section 13: By adding after the word "before" in the second line thereof the words "debentures are issued call for tenders for the proposed work, and if it is found that the cost is going to materially exceed the estimate notice shall be given, as provided for in section 7 hereof, and petitioners may be at liberty to withdraw from the petition, as provided in section 8 hereof, and if by reason of such withdrawals the area represented is reduced below one-half of the area of lands of resident owners the prosecution of the work shall be discontinued and the cost to date shall be fixed and recovered as provided for by section 9 hereof. Otherwise the Lieutenant Governor in Council shall before".

9. Section 16: By repealing the said section and substituting therefor the following:

"16. The Provincial Treasurer shall open a special account to be called 'Drainage Districts Debentures Account' wherein full particulars shall be recorded giving a detailed description of the drainage districts, the issue and sale of debentures and the receipt of the proceeds thereof, the nature and the costs of the work undertaken together with all incidental expenditures thereto, the interest and sinking fund accounts and all other matters deemed necessary or desirable for the purpose of setting forth a true and correct statement for the affairs of each drainage district.

"(2) The Lieutenant Governor in Council shall, upon the recommendation of the treasury board, make regulations governing the disposition of such portion of the proceeds of the sale of debentures as may be in excess of the expenditures on the drainage work for which the debentures have been issued; and if, in any case, the proceeds are not sufficient for the purpose of providing for the costs of a work, he may, upon the recommendation of the treasury board, authorize the Provincial Treasurer to advance for the time being such sums of money as may be required, and may authorize a special levy to be made for the reimbursement of the advances."

10. Section 17: By adding thereto the following subsection:

“(2) Pending the issue and sale of debentures the Lieutenant Governor in Council may authorize the raising by way of loan such sum of money as may be deemed necessary to carry on the work required to be done in any drainage district and irrespective of other direction by *The Provincial Loans Act* or *The Treasury Department Act* the proceeds of such loan may be deposited in a special trust account to be called the ‘..... Drainage District Advance Account,’ out of which the Provincial Treasurer may advance from time to time such sum or sums of money as may be required to carry on the said work and such advance or advances shall be repaid out of the proceeds of the sale of debentures, together with interest at such a rate as the Lieutenant Governor in Council may determine, computed from the dates of said advances. In the event of no debentures being issued and sold the said advance shall be repaid out of the money collected and transmitted to the Minister as provided for in section 9 of this Act.”

11. Section 19: By adding thereto the following, “and the registrar shall note on the certificates of title that said lands are subject to assessment under *The Drainage Act*”.

12. Section 20: By adding thereto the following proviso: “Provided that where, in the opinion of the Minister, it is necessary or desirable the interest only may be collected for the first five years of the term for which the debentures have been issued.”

13. Section 28: By adding thereto the following: “and the amount so obtained credited to the drainage district and applied in reduction of the payments of the owners of assessed lands within the district.”

14. Section 32: By striking out the word “or” in the first line thereof and substituting therefor the word “of”.

15. Section 33: By striking out the words “in the manner provided by section 46 of this Act”.

16. Subsection (c) of section 40: By striking out the word “for” in the second line thereof and substituting therefor the word “by”, and by striking out the word “and” in the third line thereof and substituting therefor the word “or”.

17. Subsection (3) of section 41: By adding to the first paragraph thereof the following: “and the secretary shall forthwith proceed to levy and collect the amount so assessed and shall remit the moneys collected to the Provincial Treasurer to be paid to the municipality which has done such work.”

18. Section 42: By adding thereto the following proviso: “Provided that any claim for damages under this section must be made within six months after the date of said damage.”

19. Section 51: By repealing the said section and substituting therefor the following:

"51. The Lieutenant Governor in Council may make such orders as are deemed necessary from time to time to carry out the provisions of this Act according to their true intent, and may make any regulations which are considered necessary to give the provisions of this Act full effect."

20. By repealing the schedule of forms and substituting therefor the following:

FORM A.

GOVERNMENT OF THE PROVINCE OF ALBERTA.

DEPARTMENT OF PUBLIC WORKS.

(Section 3 (2) of *The Drainage Act*, 1916.)

PETITION FOR DRAINAGE WORK.

To the Honourable the Minister of Public Works:

The petition of the undersigned resident owners of at least two-thirds of the area of the lands of resident owners to be benefited by the work herein prayed for—

Humbly showeth:

Your petitioners desire that the area of land situate in the province, and described as follows: (*Here describe area by enumerating each quarter section within the area*) may be drained, and request that an engineer be appointed to make an examination and report with a view to having the said area organized into a drainage district.

We hereby nominate.....of.....to represent us on the Board of Assessors for assessing the cost to be borne by each particular parcel of land affected by the construction of the drainage work petitioned for.

We hereby appoint.....of.....to represent us and act as secretary in carrying on any correspondence with your Department.

And your petitioners will ever pray.

Dated at.....in the Province of Alberta, this.....day of....., 191.....

Signatures of Petitioners	Address	Lands owned within the Proposed Drainage District
.....
.....
.....
.....

CANADA
 Province of Alberta { I,.....
 To WIT: { of.....
 1. That I am one of the petitioners named in the petition hereto.
 2. That the signatures of the said petitioners are their own and are true,
 to the best of my knowledge and belief.
 Sworn before me at..... }
 in the Province of Alberta, this..... }
 day of..... A.D. 191..... } (Signature.)

A Commissioner in and for the Province of Alberta.

FORM B.

GOVERNMENT OF THE PROVINCE OF ALBERTA.

DEPARTMENT OF PUBLIC WORKS.

Statement of the names of the resident owners of land within the area to be drained in the accompanying petition, and the lands respectively owned by them.

Resident Owners	Address	Lands Owned		
		Qr.	Sec	Tp. Rge. Mer.
.....
.....
.....
.....
.....
.....
.....
.....
.....

STATUTORY DECLARATION.

CANADA }
 Province of Alberta }
 To Wit: } In the matter of Petition to the Minister of
 We of in
 the Province of Alberta,, do solemnly declare as
 follows:
 That we are signers of the petition accompanying this statement.
 That this statement of names is a true and complete list of the names of
 the resident owners of land within the area desired to be drained as described
 in the accompanying petition and that the lands set opposite the respective
 names are the lands within the said area owned by the said parties.
 That we know the said resident owners, and are familiar with the said
 location.
 And we make this solemn declaration conscientiously believing it to be
 true, and knowing that it is of the same force and effect as if made under
 oath, and by virtue of *The Canada Evidence Act*.
 DECLARED before me at }
 in the Province of Alberta, this }
 day of A.D. 191..... }
 (Signatures.)

A Commissioner in and for the Province of Alberta.

FORM C.

(Section 8.)

NOTICE OF WITHDRAWAL OF NAME FROM PETITION.

To the Honourable the Minister of Public Works,
 Edmonton, Alta.

I,, resident owner of (*here describe land*), hereby withdraw my name from the petition for a drainage work in the area in which the said land is included.

Witness: (Signature.)

No. 13.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act to amend The Drainage Act.

Received and read the

First time

Second time

Third time

HON. MR. STEWART.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.B. 1917