

BILL

No. 32 of 1917.

An Act to amend The Private Ditches 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 Private Ditches Act, being chapter 6 of the Statutes of Alberta, 1913 (First Session), is hereby amended as follows:

1. Section 2: By adding the following subsection:
“(17) ‘Board’ means Board of Assessors appointed under this Act.”

2. Section 15: By striking out subsections 2, 3, 4 and 5 and substituting therefor the following:

“(2) At the first meeting of owners held after all the necessary notices have been served the owners of lands which in the opinion of the engineer will be affected by the ditch who are present shall in the manner provided in subsection 3 hereof appoint two of their number who shall together with the engineer form a board of assessors and who shall be paid at the rate of five dollars (\$5.00) per day and legitimate expenses for the services they perform.

“(3) The appointing of the members of the board shall be by resolution of those owners present and shall be deemed to be carried by a majority vote, the engineer presiding and having no vote; the engineer shall forthwith after the meeting notify the secretary in writing of the names and addresses of the two owners so appointed to act on the board of assessors.

“(4) The engineer may adjourn his examination and hearing of evidence from time to time and if he finds that the ditch is required the board shall within thirty days after its appointment make its award in writing in the form G, specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and furnishing of material among the lands affected and the owners thereof according to its estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners so that as far as practicable each owner shall maintain the portion within his own land, and stating the amount of the engineer’s fees including the estimated cost of his inspection after the time has expired for the construction of the ditch according to the award, the amount of fees of the other members of the board, and the other charges and by whom the same shall be paid.

“(5) In making its award the board shall consider direct benefit only to the lands affected.

“(6) The period prescribed for the board to make its award shall be exclusive of the time required to obtain the approval of the works or the specifications or plans thereof by the Board of Railway Commissioners for Canada, where such approval is necessary.

“(7) In any case where a ditch is to be covered the board shall in its award specify the kind of material to be used in the covered portion of such ditch.”

3. Section 16: By striking out the word “engineer” where it occurs in the first and fourteenth lines thereof and substituting therefor the word “board”.

By striking out the word “he” in the fifth line thereof and substituting therefor the word “it”.

By striking out the word “his” in the sixth line thereof and substituting therefor the word “its”.

By striking out the word “he” in the fourteenth line thereof and substituting therefor the word “it”.

4. Subsection 2 of section 16: By striking out the word “engineer” where it occurs in the fourth line thereof and substituting therefor the word “board”.

5. Section 17: By striking out the words “making his” in the first line thereof and substituting therefor the words “the board makes its”.

6. Section 20: By striking out the word “engineer” in the fifteenth line thereof and substituting therefor the word “board”.

7. Section 21: By striking out the word “engineer” in the first line thereof and substituting therefor the word “board”.

8. Subsection 3 of section 21: By striking out the word “engineer” in the sixteenth line thereof and substituting therefor the words “members of the board”.

9. Subsection 7 of section 21: By striking out the word “engineer” in the fourth line thereof and substituting therefor the word “board”.

10. Subsection 8 of section 21: By striking out the word “five” in the third line and substituting therefor the word “fifteen”.

11. Subsection 9 of section 21: By striking out the word “engineer” in the fourth line and substituting therefor the word “board”.

12. Section 22: By striking out the word “engineer” in the sixth line thereof and substituting therefor the word “board”.

13. Section 24: By striking out the word “engineer’s” in the first line thereof and substituting therefor the word “board’s”.

14. Section 30: By striking out the word “engineer” in the fifth line thereof and substituting therefor the word “board”.

By striking out the word “his” in the fifth line thereof and substituting therefor the word “its”.

By adding after the word “work” in the eighth line thereof the words “the engineer”.

By adding after the word "charges" in the tenth line thereof the words "and those of the other members of the board".

15. Subsection 2 of section 30: By adding after the word "engineer" in the fifth line thereof the words "and the board".

16. Form G in the schedule: By striking out the words and figures "(Section 15 (2))" and by substituting therefor the words and figures "(Section 15 (4))".

By striking out the word "Engineer" in the title and substituting therefor the word "Board".

By adding after the word "and" where it occurs the first time in the fifteenth line thereof the following words: "we (*names of members of board*) duly appointed as members of the board of assessors under the provisions of *The Private Ditches Act.*"

By striking out the word "I" in the twenty-fourth, thirty-second and thirty-eighth lines thereof and substituting therefor the word "we".

By striking out the word "my" in the forty-sixth line thereof and substituting therefor the word "our".

By adding thereto below the words "Signature of Engineer" two spaces for signatures over the following words in each case: "Signature of Member of Board".

No. 32.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act to amend The Private Ditches
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. STEWART.

EDMONTON:
J. W. JEFFREY, KING'S PRINTER.
A.D. 1917