

BILL

No. 44 of 1917.

An Act respecting the Reclamation of Lands.

(Assented to , 1917.)

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 Reclamation Act.*"

INTERPRETATION.

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

(a) "Department" means the Department of Public Works for the province;

(b) "Minister" means the Minister of Public Works for the province;

(c) "Minister of the Interior" means the Minister of the Interior for the Dominion of Canada, or his deputy, or other person authorized in writing by the Minister of the Interior to act for him;

(d) "Owner" means and includes any person who, by right, title or estate whatsoever, is or is entitled to be in possession of any land and the executor or administrator of an owner, the guardian of an infant owner, any person entitled to sell or convey the land, an agent of an owner under general power of attorney or under a power of attorney empowering him to deal with the land, and, as regards lands under the control of the Dominion Government the Minister of the Interior or his deputy, and, as regards roads the municipality within which the same or part thereof is situated.

PART I.

SMALL DRAINAGE PROJECTS.

3. When application is made to the Dominion Government, other than by the Government of the Province of Alberta, for permission to drain small lakes or swamps in order that owners of, or entrants for, fractional quarter sections of land thereby affected may be able to reclaim the submerged or swampy portions thereof and secure patent for the full area of such quarter sections, or where such application is made in order that the land reclaimed may be purchased, the applicant in such cases shall not be required to comply with the provisions of *The Private Ditches Act*, being chapter 6 of the Statutes of Alberta, 1913 (First Session), but shall proceed as provided by part I of this Act.

4. The applicant shall produce evidence satisfactory to the Minister that—

- (a) Adequate provision has been made for the disposal of the water of such lakes and swamps, and the protection of roads and other public works;
- (b) Agreement has been arrived at among the respective applicants for sharing the cost of the proposed drainage work and the subsequent cost of maintenance;
- (c) The consent of the Dominion Government has been obtained;

and upon submission to the Minister of the report, plans and estimate of the cost of the proposed works prepared by the engineer appointed by the Minister of the Interior, the Minister may approve of the said plans.

5. Upon approval of the plans of the proposed work as provided in section 4 hereof the applicants shall thereupon become entitled to proceed with the work, and the Minister of the Interior shall thereupon become entitled to exercise all the powers respecting the expropriation of land required for right-of-way of the proposed ditch that are or may be exercised under *The Public Works Act* by the Minister.

6. In settling the amount of compensation to be paid to the owners of lands required for right-of-way of the ditch all the provisions of *The Public Works Act* relating thereto shall *mutatis mutandis* apply, the Minister of the Interior taking the place of the Minister of Public Works.

7. Any ditch or other work constructed under the provisions of part I of this Act shall thereafter be maintained in the same manner and subject to the same conditions as are prescribed by section 34 of *The Private Ditches Act*, as if the said works had been constructed in accordance with the provisions of that Act.

8. The area to be reclaimed under the provisions of part I of this Act shall in no one case exceed twelve hundred and eighty (1,280) acres, and the cost of the proposed works as shown by the estimate of the engineer appointed by the Minister of the Interior, shall not exceed the sum of two thousand dollars (\$2,000.00).

PART II.

DRAINAGE INITIATED BY THE PROVINCE IN CONNECTION WITH ROAD CONSTRUCTION.

9. Whenever the Minister deems it necessary in the public interest that any submerged or swampy Dominion lands should be reclaimed by drainage in order to facilitate the construction or improvement of public highways through the district in which the said lands are situated, and upon the consent of the Dominion Government having been obtained for the drainage of any bodies of water within the purview of *The Irrigation Act* and for the construction of the proposed drainage works on the said lands or for the purpose of draining them, the Minister may make application to the Dominion Government for the purchase of

such portion of the Dominion lands to be reclaimed as will in the opinion of the Minister be sufficient when sold by the department to fully cover the cost of the drainage work, and road work, and such lands may be purchased by the department from the Dominion Government upon such terms and conditions as may be approved by the Lieutenant Governor in Council and by the Dominion Government.

(2) The Minister, on making application to the Dominion Government for the purchase of such lands, shall with such application forward to the Minister of the Interior a copy of the report, plan and profiles and estimate of the cost of the proposed drainage work, together with a statement of the estimated benefit to each parcel of land to be affected, made by an engineer appointed by the Minister.

10. Any land so purchased by the department from the Dominion Government, shall be offered for sale by the department at public auction in accordance with such conditions and regulations as may be specified by the Lieutenant Governor in Council and approved by the Dominion Government, and the proceeds of the sale of such lands shall be applied towards reimbursing the department for the cost of construction of said drainage work and road work, including the purchase price paid, or to be paid, by the department to the Dominion Government for the land, together with all expenses incurred by the department in connection with the sale of the lands and the collection of the purchase price paid therefor. Any surplus money remaining after the total cost of such drainage and road work shall have been repaid to the department shall be refunded to the Dominion Government.

11. No such drainage work shall be undertaken by the department unless and until at least two-thirds of the owners residing on the lands to be benefited thereby agree in writing to bear their share of the annual cost of maintenance as hereinafter provided.

12. Where any such drainage work does not extend beyond the limits of one municipality, it shall be maintained and kept in repair by such municipality in the manner provided for in this Act.

13. Any such drainage work constructed under this Act which is commenced in one municipality and continued into any other municipality or municipalities, shall after the completion thereof, be maintained by the former municipality from the point of commencement thereof to the point at which the drainage work crosses the boundary line into another municipality and by every other municipality in like manner through or into which the drainage work is continued.

14. All maintenance work shall be done at the expense of the lands in any way benefited by the original construction of the drainage work and in proportion to the benefit to each parcel of land as determined by the engineer in his report to the Minister in connection with the cost of the construction of the original work; and for the purpose of collecting the cost of such maintenance each and every municipality undertaking any work of maintenance shall

upon completion thereof forward to the Minister properly certified accounts showing the total cost of the work done, and the Minister shall prior to the next annual assessment apportion the cost of such maintenance against the lands to be assessed therefor and shall notify the secretary of the municipality or municipalities concerned of the apportionment; and such municipality or municipalities shall have all the powers and authority for the levying and collecting thereof as provided for the levying and collecting of ordinary municipal rates, and the secretary shall forthwith proceed to levy and collect the amounts so assessed:

Provided that if from any cause any land cannot be legally subjected to the special tax for maintenance, the amount thereof shall be deducted and rateably distributed between the lands liable and collected in the annual levies from the lands so liable upon the principle of apportionment hereinbefore provided.

15. All lands which are shown by the engineer's report to be benefited by the original construction of the drainage work shall be liable for any special tax levied for the purpose of maintaining the drain, and for this purpose the municipality or municipalities within which is situated any lands benefited by the construction of the drainage work, shall be deemed to be the owner with respect to public highways within the limits of such municipality or municipalities and as such liable for any assessments in proportion to the benefit to such public highway or public highways as determined by the report of the engineer.

(2) The department shall be liable for any special tax made for the purpose of maintaining the drainage work in respect of any lands purchased by the department from the Dominion Government in connection with the construction of the said drainage works until such lands are sold by the department.

16. Where any drainage work is carried on through lands not within any municipality the Minister of Municipal Affairs shall with respect to such lands have and exercise all the powers and duties hereby vested in or devolving upon the council or secretary with respect to lands within a municipality.

PART III.

DOMINION LANDS LYING WITHIN DRAINAGE DISTRICTS.

17. Where in a drainage district petitioned for under *The Drainage Act* any vacant Dominion lands are included among the lands to be benefited, the Minister may make application to the Dominion Government for the purchase of the said lands, and such lands may be purchased by the department from the Dominion Government upon such terms and conditions as may be approved by the Lieutenant Governor in Council and by the Dominion Government.

(2) The Minister in making application to the Dominion Government shall with such application forward to the Minister of the Interior a copy of the plans and estimates of cost of the proposed works, and a report showing the area and character of the lands affected thereby, and the

proportion of the cost to be assessed against each parcel of land affected, together with a separate schedule of the Dominion lands affected and the proportion of the cost of the work to be assessed against each parcel.

18. Any land so purchased by the province from the Dominion Government shall be offered for sale in the manner provided by section 10 of this Act.

19. Upon the Dominion Government agreeing to sell to the province lands to be reclaimed as set forth herein the province as represented by the Minister shall be deemed to be qualified as a resident owner of such land under the provisions of *The Drainage Act*, for the purpose of organizing the drainage district, and the procedure shall thereafter be carried on under the said Act.

PART IV.

DRAINAGE WORK CARRIED OUT BY THE DOMINION GOVERNMENT.

20. When the Dominion Government, as owner of Dominion lands requiring drainage, desires to reclaim such lands in accordance with the provisions of *The Drainage Act*, the said Government, as represented by the Minister of the Interior, shall be deemed to be qualified as a resident owner of such land under the provisions of the said Act.

21. In the event of the Dominion Government desiring to so reclaim lands, all reports, plans, specifications, estimates and assessments required by *The Drainage Act* shall be made by an engineer appointed by the Minister of the Interior. The said reports, plans, specifications, estimates and assessments shall, after having been approved by the Minister of the Interior, be submitted to the Minister and, subject to the approval of the Lieutenant Governor in Council, and the constitution by him of the drainage district, the work shall be carried out by or under the control of the aforesaid engineer, under the direction of the Minister of the Interior, in accordance with *The Drainage Act*.

22. The whole cost of such drainage shall be borne by the Dominion Government, and no debentures shall be issued in connection with any such drainage district.

23. The proportion of the cost of the works assessed upon any lands other than Dominion lands comprised in any such drainage district shall be collected annually in the manner provided by *The Drainage Act* and forthwith remitted to the Provincial Treasurer who shall upon receipt thereof promptly remit the amount so collected to the Minister of the Interior to be applied in reduction of the expenditure made by him in connection with the work.

24. Lands so reclaimed by the Dominion Government shall be offered for sale by public auction within five years after the completion of the drainage works, the sale of the lands to be conditional upon terms of settlement and upon

the purchasers thereof becoming responsible for the maintenance of the works in accordance with the provisions of *The Drainage Act* and in proportion to the amounts fixed by the engineer at the time of the organization of the district.

No. 44.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act respecting the Reclamation of
Lands.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. STEWART.

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1917