

REPRINTED BILL.

BILL

No. 32 of 1921.

An Act to amend The Irrigation Districts Act, 1920.

(Assented to , 1921.)

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

1. Section 2 of *The Irrigation Districts Act*, 1920, being chapter 14 of the Statutes of Alberta, 1920, is amended by adding thereto the following paragraph:

“(hh) ‘Municipality’ shall mean a city, town, village, municipal district or improvement district”;

2. Section 5 of the said Act is amended as to subsection 3 thereof by adding after the word “by” in the first line the words “corporations or by.”

3. Section 8 of the said Act is amended as to subsection 3 thereof by striking out the same, and substituting the following:

“(3) The board of every district shall consist of three trustees who must be—

“(a) Voters of the district;

“(b) Of the full age of 21 years;

“(c) British subjects.”

4. Section 12 of the said Act is amended by adding thereto the following subsections:

“(2) Every bylaw shall be given three readings before its final passing but not more than two readings shall be given thereto at any one meeting except by the unanimous vote of the trustees present.

“(3) A copy of any by-law written or printed without erasure or interlineation and under the seal of the board, certified to be a true copy by the secretary and a trustee, shall be authentic and received as *prima facie* evidence of its final passing and of the contents thereof without any further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the secretary or trustee has been forged.

“(4) Every by-law finally passed by the board shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time and manner of passing thereof.”

5. Section 14 of the said Act is amended by changing the numbering of subsection 2 thereof to 3, and by adding as subsection 2 the following:

“(2) Any amounts so borrowed shall be paid out of the irrigation rates for the year in which they were borrowed, and shall after payment of the amounts falling due to debenture holders in that year be a first charge thereon.”

6. Section 15 of the said Act is amended by adding as subsection 2 thereof the following:

“(2) Any temporary loan raised under the authority of this section may be guaranteed by the Lieutenant Governor in Council without any further or other authority than is provided by this subsection.”

7. Section 18 of the said Act is amended—

(a) By striking out clause (b) of subsection 2 thereof;

(b) By changing the numbering of subsection 3 to 4;

(c) By changing the numbering of subsection 4 thereof to 3, and by adding thereto the following: “and shall when so directed by the council appoint an engineer, who shall be a registered professional engineer within the meaning of *The Engineering Profession Act*, but no such latter appointment shall be made save with the prior approval of the council.”

8. Section 20 of the said Act is amended by adding to subsection 1 thereof the following:

“Provided that the council may from time to time give directions as to the times of meeting of any board other than those contained in this subsection.”

9. Section 23 of the said Act is amended as to subsection 2 thereof by adding after the word “in” where the same occurs in the second line thereof the following: “the order unanimously agreed upon by the trustees and in default of agreement then in.”

10. Section 31 of the said Act is amended as to subsection 1 thereof by inserting after the word “Act” in the second line the following: “and the receipt of the authorization provided for in section 20 of *The Irrigation Act*.”

11. Section 34 of the said Act is amended as to subsection 2 thereof by striking out all the words after “with” at the beginning of the sixth line.

12. Section 36 of the said Act is amended by striking out the same and substituting the following:

“**36.** Each debenture may be for such an amount as may be determined by the board subject to the approval

of the Provincial Treasurer and the debentures may be sold either all at one time or by instalments from time to time."

13. Section 38 of the said Act is amended as follows:

(a) As to subsection 1 thereof by adding after the word "thereon" in the second line the following: "And all matters relating thereto not specifically dealt with in this Act."

(b) As to subsection 3 by changing the number to 4, and by inserting after the word "direct" in the fifth line the following: "or may be deposited with the Provincial Treasurer and invested in Provincial securities."

(c) By adding to the said section as subsection 3 the following:

"(3) Every approval of debentures by the Provincial Treasurer shall be in writing and when filed with the Clerk of the Executive Council shall be conclusive evidence of the legality of the issue of such debentures; and their validity shall not be questioned by any court in the Province of Alberta, but the same shall be a good and indefeasible security in the hands of any *bona fide* holder thereof to the full extent provided by this Act."

(d) As to subsection 4 by changing the numbering thereof to 5.

14. Section 38a is added to the said Act as follows:

"38a. Pending the regular issue and sale of any debentures authorized under the provisions of this Act money may be temporarily raised by the board with the consent of the Minister by the deposit of all or any of the debentures as security for the money so raised; but the money received upon the regular issue and sale of debentures shall not be utilized for any other purpose than the repayment of the money so raised until such money together with the interest due thereon effected by the deposit of the debentures has been repaid."

15. Section 38b is added to the said Act as follows:

"38b. If the proceeds of the sale or sales of the debentures first authorized as provided by this Act is found to be insufficient to complete the proposed works the board shall submit to the council an estimate of the amount required to complete the works and to do the various things covered by the original estimate made under section 31 of this Act.

"(2) If the council approves of the estimate to complete the works it shall direct the board to apply to the Minister of Public Works for permission to raise upon the credit of the district by the issue of debentures the amount of money required by such estimate.

"(3) The Minister, if he is satisfied that all the provisions of the Act have been substantially complied with and that

the additional amount of money is required, may assent to the raising of the said amount by the issue of debentures therefor, and such debentures shall be in all respects subject to the same provisions as to form, terms and contents as are applicable to the debentures issued for the cost as originally estimated."

16. Section 39 of the said Act is amended—

1. As to subsection 1 thereof by striking out the said subsection and substituting the following:

"**39.** The board shall not later than the first day of February in each year make an estimate of the amount required to pay—

"(a) The principal and interest payable under the terms of the debentures, up to the expiration of such year;

"(b) The lawful expenses to be incurred during such year in carrying out the provisions of this Act, including salaries and expenses of officers and servants and such allowances as the members of the board may be entitled to under the provisions of this Act;

"(c) The cost of maintenance of the works;

"(d) Such payment into a sinking fund or a reserve fund or both, as may seem good to the board and be approved of by the council;

"(e) The general expenses of the district."

2. As to subsection 3 thereof by striking out the same.

3. As to subsection 2 thereof by changing its number to 3.

4. By adding as subsection 2 to the said section the following:

"(2) If such payments and expenses are not otherwise provided for, and if such estimate is approved by the council, the board shall pass a by-law imposing a rate (herein called the irrigation rate) upon each parcel of land within the district in respect of each acre of land therein to be irrigated as shown by the last revised assessment roll for the district."

5. By adding to the said section as subsection 4 the following:

"(4) Any reserve fund created under this section shall be expended for the benefit of the district in accordance with the directions of the council given from time to time."

17. Section 48 of the said Act is amended by striking out the same, and substituting the following:

"**48.** The treasurer shall prior to the fourteenth of August in each year prepare lists of all lands on which arrears of irrigation rates have not been paid before the last preceding first day of July.

"(2) Each such list shall be prepared with respect to lands situate in a separate municipality and shall on or

prior to the said fourteenth day of August be forwarded to the mayor or reeve of such municipality or the Department of Municipal Affairs, as the case may be, for enforcement under the provisions of *The Tax Recovery Act*.

"(3) All rates payable under this Act shall be deemed to be in arrear for the purpose of this section if they remain unpaid after the thirty-first day of December of the year in which they are levied."

18. The whole of part IV of the said Act, being sections 142 to 160 inclusive, is struck out.

19. Section 161*a* is added to the said Act as follows:

"161*a*. Where any two or more districts having no debenture indebtedness desire to amalgamate,—either by absorption of one or more districts in the remaining district, or by the formation of a new district, and with the prior consent of the Minister of the Interior, petition the Minister—the Minister may give directions as to the manner in which the proceedings for the formation of the new district are to be taken, or the manner in which the amalgamation is otherwise to be carried out, and in particular may direct how the outstanding indebtedness of any of the amalgamating districts is to be borne."

20. Section 162 of the said Act is amended by substituting the word "dissolution" for the word "disorganization" where the same occurs in the second line of subsection 5.

21. Section 165 of the said Act is amended by changing the numbering thereof to 166.

22. Section 166 of the said Act is amended by changing the numbering to 165.

23. Section 172 of the said Act is amended by adding thereto the following: "and may, where any procedure is prescribed but such procedure does not seem to him to be adequate or where no procedure is prescribed suitable to the circumstances of the case, provide such procedure as may seem proper to him."

24. The schedule to the said Act is amended as to form B—

(a) By inserting before the word "as" in the fifth line of the form of nomination paper the following words: "a person eligible to hold office as trustee under the provisions of *The Irrigation Districts Act, 1920*";

(b) By inserting after the word "state" in the second line of the candidate's acceptance the following words: "that I am eligible to hold office as a trustee under the provisions of *The Irrigation Districts Act, 1920*, and that."

No. 32

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to amend The Irrigation
Districts Act, 1920.

Received and read the

First time

Second time

Third time

HON. A. J. McLEAN

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
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