

BILL

No. 74 of 1921.

An Act to amend The Reclamation Act.

(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 Reclamation Act*, being chapter 15 of the Statutes of Alberta, 1917, is amended—

(a) As to paragraph (b) thereof, by making the same paragraph (c);

(b) By adding to the said section as paragraph (b) thereof:

“(b) ‘Dominion land’ shall mean land belonging to the Dominion of Canada for which homestead entry has not been made or which has not been sold or agreed to be sold or alienated or agreed to be alienated in any other way by the said Dominion of Canada”;

(c) As to paragraph (c) thereof, by making the same paragraph (d);

(d) As to paragraph (d) thereof, by striking out the same;

(e) By adding to the said section as paragraph (e) the following:

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

(f) By adding to the said section as paragraph (f) the following:

“(f) ‘Owner’ means and includes any person who appears by the records of the land titles office of the land registration district within which such land is situated to have any interest in any land in the district other than as mortgagee, lessee, or encumbrancee, and means and includes any *bona fide* purchaser of any such land under written agreement for sale, and with respect to roads in an improvement district the Minister of Public Works or with respect to roads in a municipality such municipality”;

- (g) By adding to the said section as paragraph (g) the following:

“(g) ‘Parcel of land’ shall mean a quarter section of land according to the system of surveys under *The Dominion Land Surveys Act*, or any smaller area, owned by one person, or by more persons than one as tenants in common as joint tenants and with respect to the assessment of roads within a drainage district, the aggregation of roads within any municipality or part thereof within that district”;

- (h) By adding to the said section as paragraph (h) the following:

“(h) ‘Private owner’ shall mean an owner of land or an interest in land other than the Dominion Government or the Province of Alberta.”

2. Section 9 of the said Act is amended—

- (a) As to subsection 2 thereof by striking out the words “a statement of” in the fifth line, and substituting “an assessment roll showing”;

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

“(3) The assessment roll in any such case shall show the estimated amount of benefit to each parcel of land affected, the total estimated benefit, the total estimated cost of the work and the part of the said estimated cost attributable to each such parcel of land, which shall as nearly as may be bear the same proportion to the total estimated cost as the estimated benefit to the parcel in question bears to the total estimated benefit.”

3. Section 11 of the said Act is amended by striking out the same, and substituting—

“**11.** The cost of construction of the works assessed in respect of any parcel of land belonging to a private owner at the time of the application to the Dominion Government for the purchase of the reclaimed Dominion lands shall be chargeable in respect of such parcel and against such owner in proportion to the estimated benefit to each such parcel as shown on the assessment roll made by the engineer appointed by the Minister at the inception of the work.”

4. Section 12 of the said Act is amended by striking out the same, and substituting—

“**12.** The cost of maintenance of the works shall be borne by every owner of a parcel of land in proportion to the benefit to such parcel as shown on the said assessment roll.”

5. Section 13 of the said Act is amended by striking out the same, and substituting—

“13. The proportion of the cost of construction of the said works chargeable in respect of any parcel of land belonging to a private owner shall upon completion of the works be payable in such number of equal annual instalments as the Minister may by order determine, with interest upon the unpaid balance at the rate of five per centum per annum, and a collector’s roll as provided for by *The Drainage Districts Act, 1921*, shall when prepared by an engineer appointed by the Minister and forwarded to a municipal secretary as provided by the said Act be received and dealt with in the same manner as if it were a collector’s roll received from the secretary of a drainage district and the amounts shown thereon shall be collected and recovered as if they were drainage rates imposed under the Act.”

6. Section 14 of the said Act is amended by striking out the same, and substituting—

“14. The amount required for maintenance of the work shall be fixed annually by an engineer appointed by the Minister, and the proportion of such amount chargeable in respect of each parcel of land belonging to a private owner shall be included on the collector’s roll prepared by the said engineer as a rate to be collected in respect of each such parcel.”

7. Section 15 of the said Act is amended by striking out the same, and substituting—

“15. If from any cause any rates for cost of maintenance cannot be legally imposed in respect of any parcel or parcels of land or some interest therein the amount chargeable in respect of such parcel or parcels shall be divided proportionately among the assessments made in respect of the other parcels of land affected by the drainage works; provided that the department shall be liable for any amounts chargeable in respect of any lands purchased by the department from the Dominion Government under this Act until such lands are sold by the department.”

8. Section 16 of the said Act is amended by striking out the same, and substituting—

“16. The Minister may at any time without a petition or without holding an election thereon form the lands affected by the drainage works into a drainage district within the meaning of *The Drainage Districts Act, 1921*, and provide for an

election of a board of trustees who shall then have the conduct and management of the affairs of the district as provided in the said Act which shall thereafter be applicable to the said district as if the same had been formed in strict conformity with the terms thereof.

“(2) If at the time of the formation of a drainage district under the provisions of this section it is found necessary or convenient that the Minister should give any directions as to any matters preliminary thereto or as to any things which may require to be done in order to carry out the intent of this section then the Minister may give such directions with the same effect as if they had been incorporated in this Act.”

9. Section 17 of the said Act is amended by striking out the words “*The Drainage Act*,” and substituting “*The Drainage Districts Act, 1921*.”

10. Section 19 of the said Act is amended—

- (a) By striking out the word “resident” in the fourth line, and substituting “registered”;
- (b) By striking out the words “*The Drainage Act*” in the fourth and fifth lines, and substituting “*The Drainage Districts Act, 1921*.”

11. Section 20 of the said Act is amended by striking out the same, and substituting the following:

“**20.** When the Dominion Government as owner of Dominion lands requiring drainage desires to reclaim such lands and it appears that by reason of the necessary drainage works lands other than Dominion lands will probably be benefited, the Lieutenant Governor in Council may upon receipt by the Minister of plans, reports, specifications, estimates and assessment roll, approved by the Minister of the Interior and prepared by an engineer appointed by him approve of the proposed reclamation, and the Dominion Government may thereupon proceed with the construction of the necessary drainage works as shown by the said plans and reports; 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 works that are or may be exercised under *The Public Works Act* by the Minister.”

12. Section 21 of the said Act is amended by striking out the same, and substituting the following:

“21. The assessment roll shall in any such case show the estimated amount of benefit to each parcel of land affected, the total estimated benefit, the total estimated cost of the work and the part of the said estimated cost attributable to each said parcel of land, which shall as nearly as may be bear the same proportion to the total estimated cost, as the estimated benefit to the parcel in question bears to the total estimated benefit.”

13. Section 22 of the said Act is amended by adding after the word “shall” in the first line the following words: “in the first instance.”

14. Section 23 of the said Act is amended by striking out the same, and substituting the following:

“23. The proportion of the cost of the works assessed in respect of any parcel of land belonging to a private owner shall upon completion of the works be payable in such number of equal annual instalments as the Minister may by order determine, with interest upon the unpaid balance at five per centum per annum, and a collector’s roll as provided for by *The Drainage Districts Act, 1921*, shall when prepared by an engineer appointed by the Minister of the Interior and forwarded to a municipal secretary as provided by the said Act be received and dealt with in the same manner as and as if it were a collector’s roll received from the secretary of a drainage district and the amounts shown thereon shall be collected and recovered as if they were drainage rates imposed under the said Act.

“(2) All amounts collected shall be promptly remitted to the Minister of the Interior to be applied in reduction of the expenditure made by him in connection with the drainage work.”

15. Section 24 of the said Act is amended—

(a) By striking out the words “*The Drainage Act*” in line eight, and substituting the following: “subsection 2 of this section”;

(b) By adding to the said section as subsection 2 thereof the following:

“(2) The amount required for maintenance of the works shall be fixed annually by the said engineer appointed by the Minister of the Interior and the proportion of such amount chargeable in respect of each parcel of land belonging to a private owner shall be included on the collector’s roll prepared by the said engineer as a rate to be collected in respect of each such parcel.”

16. The following section is added to the said Act as section 25:

“25. When no parcel of land affected by the drainage works remains unsold by the Dominion Government, or at any previous time if an arrangement to that effect is made between the Minister and the Minister of the Interior, the Minister may, without a petition or without holding an election thereon, form the lands affected by the drainage works into a drainage district within the meaning of *The Drainage Districts Act, 1921*, and provide for an election of a board of trustees who shall then have the conduct and management of the affairs of the district as provided in the said Act which thereafter shall be applicable to the said district as if the same had been formed in strict conformity with the terms thereof.

“(2) If at the time of the formation of a drainage district under the provisions of this section it is found necessary or convenient that the Minister should give any directions as to any matters preliminary thereto or as to any things which may require to be done in order to carry out the intent of this section then the Minister may give such directions with the same effect as if they had been incorporated in this Act.”

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An Act to amend The Reclamation
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Received and read the

First time

Second time

Third time

HON. A. J. McLEAN.

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