

BILL No. 61 OF 1925.

A BILL TO PROVIDE ASSISTANCE IN THE COLONIZATION OF LAND IN THE LETHBRIDGE
NORTHERN IRRIGATION DISTRICT.

NOTE

This Bill provides for the establishment of home places within the district.

When a home place is duly established there is to be no water service payment during the first year of its existence as a home place and no water right payment during the first three years of such existence.

Thereafter, there is to be a water service payment to the amount duly imposed under the provisions of *The Irrigation Districts Act*, and a water right payment of \$2.00 for seven years and of \$4.00 for the forty-four ensuing years.

The district will not make any loss as to payment of irrigation rates as the Provincial Treasurer can make up the difference between the irrigation rates payable in respect of home places and the payments to be made to the district under *The Irrigation Districts Act*, and also can pay the irrigation rates due upon any lands that the manager has in his hands.

Under the provisions of the Bill the manager has general powers of carrying out the Act.

When any person wishes to have any of his land established as a home place he must give an option of purchase to the manager of his surplus lands, that is, all his other lands within the district.

To the manager also there revert all lands which become the property of the Board of Trustees of the Lethbridge Northern Irrigation District and these lands furnish a sort of land fund out of which the manager can create home places for persons who are not resident in the district at the time of the coming into force of the Act.

The manager has powers of purchasing and selling to occupants of home places building material and buildings and live stock, and of loaning for these purposes.

The maximum amounts which can be expended or loaned are set out in schedule B.

The manager has power to borrow with the approval of the Provincial Treasurer.

WALTER S. SCOTT,
Legislative Counsel.

(This note does not form any part of the Bill, and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 61 of 1925.

An Act respecting the Colonization of the Lethbridge
Northern Irrigation District.

(Assented to _____, 1925.)

WHEREAS the Government of the Province has under statutory authority guaranteed the debentures issued by the Lethbridge Northern Irrigation District;

And whereas, the said district has been unable to pay the interest on the said debentures for the year 1924 owing to the fact that the water-users in the district were not sufficient in number fully to crop and irrigate the irrigable lands and the Government has paid the said interest and has under statutory authority assumed other financial obligations in respect of the said district;

And whereas, it is considered essential in the interests of the Province that each water-user now resident in the district should be encouraged to farm only such lands as he can efficiently cultivate and irrigate; and also that the other lands in the district should be colonized as speedily as possible;

Now therefore 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 Lethbridge Northern Colonization Act.*"

INTERPRETATION.

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

- (a) "Approved water-user" shall mean any person whose application for the registration of a home place has been provisionally approved or has been granted;
- (b) "Board of trustees" shall mean the Board of Trustees of the Lethbridge Northern Irrigation District;
- (c) "District" shall mean the Lethbridge Northern Irrigation District;
- (d) "Incoming water-user" shall mean any person becoming resident in and cultivating and irrigating land within the district after the last day of December, one thousand nine hundred and twenty-four;
- (e) "Irrigation Council" shall mean the Irrigation Council appointed under the provisions of the Irrigation Districts Act;
- (f) "Manager" shall mean the Lethbridge Northern Colonization Manager as constituted by this Act;

- (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 owners in common or joint owners, and entered upon the assessment roll of the district as a parcel;
- (h) "Resident water-user" shall mean a *bona fide* farmer residing in and cultivating and irrigating land within the district upon or before the last day of December, one thousand nine hundred and twenty-four;
- (i) "Water right payment" shall mean the water right payment imposed upon any parcel of land under the provisions of *The Irrigation Districts Act*;
- (j) "Water service charge" shall mean the water service charge imposed upon any parcel of land under the provisions of *The Irrigation Districts Act*.

HOME PLACE.

3.—(1) Any resident water-user or any other person intending to settle upon irrigable land in the district may apply to the manager to register as a home place any parcel or parcels of land within the district named in his application.

(2) The manager may at his uncontrolled discretion, refuse or provisionally approve of such application, or may grant the same upon such conditions as may seem to him proper.

(3) If the manager, either with or without a provisional approval, grants the said application, he shall register the said parcel or parcels as a home place, and enter the name of the applicant as the person entitled to the privileges accorded by this Act in respect of a home place.

4. No registration shall be made until the applicant has shown to the satisfaction of the manager that—

- (a) the applicant has complied with regulations made by the manager, with the approval of the Lieutenant Governor in Council, with regard to the payment of municipal or improvement district and school taxes due in respect of such parcel or parcels, and of such water service charges as may be payable in accordance with the provisions of schedule A appended to this Act; and
- (b) the applicant is showing due diligence in cultivating and irrigating the said parcel or parcels.

5. Upon registering any such parcel or parcels as a home place the manager shall communicate that fact to the Board of Trustees, who shall place on the assessment roll, opposite the description of each such parcel, a notation to the effect that such parcel has been registered as the home place of the applicant.

6.—(1) In the event of any such parcel or parcels being registered as a home place or part thereof, so long as such parcel remains so registered no irrigation rates shall be payable in respect of such home place by the person otherwise chargeable therewith, save in accordance with schedule A appended to this Act, and the residue of the irrigation rates shall be paid by the Provincial Treasurer in accordance with the terms of section 22 of this Act.

(2) The said schedule may be at any time, and from time to time varied in any or all of its terms by the Lieutenant Governor in Council, but no such variation shall affect any rights which have accrued to any person at the time of such variation.

7.—(1) The manager may at any time and at the request of any assign or other successor in title of any person in whose name a home place was registered, enter the name of such assign or successor in title upon the register in respect of the said home place and thereupon he shall become bound by all the provisions of any agreement which may have been made under the provisions of this Act between the manager and the original applicant for registration as a home place.

(2) As a condition precedent to granting any such request, the manager may call upon any such assign or successor in title to enter into an agreement with him containing such conditions as may appear proper to the manager.

(3) Such agreement may be additional to the agreement mentioned in subsection (1) of this section, or may, notwithstanding the terms of the said subsection, be and be expressed to be in substitution therefor.

(4) The privileges accorded by this Act in respect of a home place shall not be assignable nor shall they accrue to any assign of the land constituting a home place until his name has been entered upon the register as the person entitled to such privileges.

8.—(1) Every person applying for the registration of a home place shall as a part of the said application, give to the manager an option to purchase any or all of his other lands within the district.

(2) Any such option to purchase shall—

- (a) in the matter of price, period of option and all other terms thereof, be subject to the approval of the manager;
- (b) contain a covenant by the applicant with the manager and his assigns that upon the exercise of such option he will convey to the manager or his assign the said lands or any portion of them free from all encumbrances save that of debentures issued by the district.

9.—(1) The manager may at any time call upon any person in whose name any land has been or is registered as a home place, to establish to the satisfaction of the manager that he has fully complied with the provisions of this Act and of the regulations (if any) made thereunder, and with the terms of any agreement made by him or his predecessor in title with the manager.

(2) In the event of failure to establish the same, the manager shall have power to remove such land from his register, and thereupon such land shall cease to be a home place within the meaning of this Act and to be entitled to the privileges accorded by this Act in respect of a home place.

(3) When the manager removes any land from his register of home places he shall notify the Board of Trustees who shall immediately thereafter remove the notation with respect to such home place from their assessment roll, and shall thereafter treat the parcel or parcels of land lately constituting the home places as if the payments made in respect thereof by the Provincial Treasurer under the provisions of section 21 of this Act, had not been made.

MANAGER.

10.—(1) The Lieutenant Governor in Council may at any time and from time to time appoint a person to be known as "the Lethbridge Northern Colonization Manager."

(2) The manager shall—

- (a) have such powers and duties as are prescribed by the order appointing him, or by this Act; and
- (b) be paid such salary as is specified therein; and
- (c) hold office during pleasure.

(3) The head office of the manager shall be situated at Lethbridge.

11.—(1) The Lieutenant Governor in Council may at any time and from time to time appoint some person who may in the absence of the manager and subject to any special directions of the manager, do any act authorized or required by this Act to be done by the manager.

(2) Whenever it appears that such person has so acted, it shall be conclusively presumed that he has so acted in the absence of the manager.

12. The manager may appoint all such officers, inspectors, clerks or other persons as are required for the operation or carrying out of this Act; dismiss the same; assign them their titles; define their respective duties and powers; engage the services of experts and persons engaged in the practice of a profession; and fix the salaries or remuneration of all such persons.

13. The person for the time being holding the office of Lethbridge Northern Colonization Manager shall be, by that name, a corporation sole, and shall have perpetual succession with the capacity to acquire and hold in that name

lands, securities and other real and personal property of every description, to sue and be sued, to execute instruments using an official seal, to make leases, to enter into engagements binding on himself and his successors in office and to do all other things necessary or expedient to be done in the execution of the duties of his office.

14. All lands and property vested in the Lethbridge Northern Colonization Manager shall be held in trust for His Majesty in the right of the Province, for the purposes of this Act.

15. All lands which have become the property of the district, either under rate enforcement proceedings or otherwise howsoever, shall be transferred by the Board of Trustees to the manager as trustee for His Majesty as aforesaid, excepting always all lands which are required in connection with the operation of the district and lands subject to first mortgages within the meaning of *The Irrigation Districts Act*.

16. Upon the request of the manager the Irrigation Council may, with respect to any specified parcel of land named in the certified copy of the judge's adjudication forwarded to the Registrar by the treasurer of the district under the provisions of *The Irrigation Districts Act*, direct the registrar that he shall not register such adjudication against such parcel until such time as the Irrigation Council may direct.

17. The manager shall not be liable in any action or proceeding or otherwise howsoever for any act done by him in the professed execution of his duties as such manager, unless a fiat authorizing such action or proceeding has been obtained from the Attorney General.

18.—(1) Subject to the provisions of any Order in Council from time to time appointing a manager, or defining his powers and duties, the manager shall have the following functions, duties and powers:

- (a) To enter into agreements conferring upon him assignable options for the purchase of parcels of land within or partially within and partially without the district and to conduct negotiations for the sale or other disposal of such lands;
- (b) To acquire by gift or to purchase or to enter into agreements for the purchase of lands within or partially within and partially without the district;
- (c) To sell or enter into agreements for the sale of or to lease or otherwise to dispose of such lands as the manager may have in his possession or control on such terms and conditions as the manager may deem proper;

- (d) To purchase and sell, to approved water-users, building material or buildings on such terms and conditions as the manager may deem proper or to make loans for the purchase of the same;
- (e) To purchase and to sell, to approved water-users, live stock on such terms and conditions as the manager may deem proper or to make loans for the purchase of the same;
- (f) To expend money upon advertisements and other publicity literature, and to encourage colonization or settlement of the district generally by all similar or ancillary means.

19.—(1) The manager with the approval of the Lieutenant Governor in Council may prescribe the forms to be used in carrying out the provisions of this Act; and with the like approval, make such regulations not inconsistent with this Act as he deems proper for carrying out the provisions of the same, and for the efficient administration thereof.

(2) Such regulations shall have the same force as if they formed part of this Act, and may, with the approval of the Lieutenant Governor in Council, be repealed by the manager.

20.—(1) The manager may for the purposes of this Act, and with the approval of the Provincial Treasurer, borrow money from any chartered bank upon such terms and conditions and with such times of repayment as the manager thinks proper.

(2) The Lieutenant Governor in Council may guarantee any loan made to the manager under the provisions of this Act.

(3) The manager may prescribe the security to be given for any loans made by him under the provisions of this Act, the time or times at which, the instalments by which, and the other conditions subject to which such loans shall be made, and the manner and dates of repayment thereof.

(4) Where the manager has taken security upon any lumber or other material which has been annexed to a home place in the form of a building or otherwise howsoever, such lumber or other material shall, as between the person giving the security thereon and the manager, remain a chattel or chattels notwithstanding that they would otherwise be deemed to form part of the realty.

(5) All money lent by the manager under the provisions of this Act shall be expended under his supervision.

21. No money shall be expended or loaned for any of the purposes set out in paragraphs (d) or (e) of section 18 of this Act in excess of the amounts set out in schedule B appended to this Act.

ADVANCES.

22.—(1) The Provincial Treasurer shall advance to the Board of Trustees out of the general revenue fund any sum or sums required to make up the difference between the irrigation rates imposed upon home places under the provisions of *The Irrigation Districts Act*, and the payments to be made in respect of home places under the provisions of this Act, or required to pay the irrigation rates due upon lands vested in the manager under the provisions of this Act.

(2) Such advances shall be made—

- (a) in the first year in which a home place is registered, as soon as conveniently may be after such registration;
- (b) in each succeeding year on or before the twentieth day of April; or
- (c) at such time or times as may be directed by Order in Council.

23. Notwithstanding anything in this Act contained, neither the right of subrogation of the rights of the district which is conferred upon the Government by *The Lethbridge Northern Irrigation District Act* nor any similar right possessed by the Provincial Government shall be in any way affected by the provisions of this Act.

AUDIT AND ACCOUNTS.

24. The accounts of the manager shall be made up to the thirty-first day of December in each year, and at such other times as may be determined by the Lieutenant Governor in Council; and in every such case the manager shall prepare a financial statement and submit the same to the Provincial Auditor for his certification.

25. All books and records pertaining to the work carried on by the manager under this Act shall be at all times subject to examination and audit by the Provincial Auditor or by such other person as the Lieutenant Governor in Council may authorize in that behalf.

26. The manager shall annually make a report to the Lieutenant Governor in Council for the twelve months ending the thirty-first day of December of the year in respect of which the report is made, which shall contain—

- (a) a statement of the nature and amount of business transacted during the year;
- (b) a statement of assets and liabilities and such other accounts as may be necessary to show the results of the operations of the manager for the year;

- (c) such general information as may be necessary to give complete presentation of all important operations of the manager.

27. The Lieutenant Governor in Council shall have power upon the recommendation of the Provincial Auditor to prescribe the form of the accounts to be kept by the Manager and also the form of accounts to be kept by the Board of Trustees in any wise relating to the matters dealt with by this Act.

28. This Act shall come into force on the day upon which it is assented to.

No. 61.

FIFTH SESSION
FIFTH LEGISLATURE
15 GEORGE V
1925

BILL

An Act respecting the Colonization
of the Lethbridge Northern
Irrigation District.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. SMITH.

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J. W. JEFFERY, KING'S PRINTER
A.D. 1925