

BILL

No 8 of 1931

An Act respecting the Colonization of the New West
Irrigation District

(Assented to _____, 1931)

WHEREAS the Government of the Province of Alberta has under statutory authority guaranteed debentures issued by the New West Irrigation District; and

Whereas the said district has been unable to pay interest on the said debentures for each of the years 1924 to 1930 inclusive, owing to the fact that the water-users in the district were insufficient in number to crop and irrigate the irrigable lands of the district, and the further fact that a large amount of the lands in the district have reverted to the district on account of the non-payment of irrigation rates, and the Government has paid the said interest, and

Whereas it is deemed to be in the interest of the Province that each water-user now resident in the district should be encouraged to farm such lands only as he can efficiently cultivate and irrigate and that the settlement of the other lands in the district should be promoted and encouraged in order to bring about the financial stability of the district,

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows

1. This Act may be cited as "*The New West I. D. Colonization Act*"

2. In this Act, unless the context requires a contrary meaning—

- (a) "Board" means the board of trustees of the New West Irrigation District;
- (b) "District" means the New West Irrigation District; and
- (c) "Manager" means the manager appointed pursuant to this Act.

3. The Lieutenant Governor in Council may at any time and from time to time appoint a person to be known as the New West Irrigation District Manager, who shall have such powers and duties as are prescribed by this Act or by the Lieutenant Governor in Council.

4. The person for the time being holding the office of 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.

5. The board shall transfer to the manager as trustee for His Majesty in the right of the Province, for the purposes of this Act—

- (a) all lands which have become vested in the board under the provisions of *The Irrigation Districts Act* and which have been offered for sale by public auction and have not been sold, and
- (b) all other lands in the district which may from time to time be vested in the board, save and except any lands which are owned by the board and which are required in connection with the operation of the district.

6. Upon the vesting of any land in the manager pursuant to the provisions of this Act, the Provincial Treasurer shall, without any further or other appropriation than that provided by this Act, pay out of the General Revenue Fund such sum or sums as are required to discharge all irrigation rates due in respect of such land and thereafter any sum or sums required from time to time to pay the irrigation rates levied in respect of such land pursuant to *The Irrigation Districts Act*.

7. The manager may sell or agree to sell any lands vested in him pursuant to this Act, freed and discharged from the water right payment payable in respect thereof pursuant to the provisions of *The Irrigation Districts Act*, for the year 1930 and thereafter, at such price and upon such terms and conditions as to payment or otherwise as may from time to time be prescribed by the Lieutenant Governor in Council.

8. The manager may enter into an agreement, on behalf of His Majesty and the board, with the owner of any land in the district, which is subject to irrigation rates, for the extinguishment of all water right payments in respect of such land pursuant to *The Irrigation Districts Act*, for the year 1930 and thereafter, upon the payment of such sum and subject to such terms and conditions as to price or otherwise as may from time to time be prescribed by the Lieutenant Governor in Council.

9. Upon the making of any agreement for the extinguishment of water right payments and so long as such agree-

ment remains in force, the Provincial Treasurer shall, without any further or other appropriation than is provided by this Act, pay out of the General Revenue Fund all sums required from time to time to discharge the water right payments affected by such agreement.

10. All moneys payable upon any sale or agreement for sale of land discharged from water right payments and all moneys payable under any agreement for the extinguishment of water right payments shall be payable to the Provincial Treasurer and shall be paid into the General Revenue Fund.

11.—(1) Forthwith after making any sale or entering into any agreement for sale of land discharged from water right payments or any agreement for the extinguishment of the water right payments in respect of any land, the manager shall give notice thereof in writing to the board.

(2) In the case of land sold or agreed to be sold discharged from the water right payments, the board shall cause to be levied an amount equal to the ordinary water service charge against the land affected by such sale or agreement and the same shall be payable by the purchaser and his successors in title in the same way and as if the same were irrigation rates levied pursuant to *The Irrigation Districts Act*, and all the provisions of that Act for the collection and enforcement of payment of irrigation rates shall be applicable to all sums levied pursuant to this section, and all sums received by the board on account thereof shall be forthwith paid by the board to the Provincial Treasurer.

(3) In the case of an agreement for the extinguishment of water right payments, the ordinary water service charge shall be the only irrigation rate payable otherwise than by the Provincial Treasurer in respect of the land affected by such agreement.

12. If default is made in the due payment of any sum payable under any agreement of sale of any land discharged from water right payments or if default is made in the due payment of any rates for water service charges payable pursuant to this Act during the life of such agreement, the manager may, with the approval of the Lieutenant Governor in Council, declare the agreement for sale cancelled, and thereupon such lands shall forthwith vest in the manager as if such agreement for sale had not been made, and all the rights of any persons depending upon such agreement for sale shall cease and determine and any moneys paid in respect of such agreement for sale shall be forfeited to His Majesty.

13. In the case of any agreement for the extinguishment of water right payments, upon default being made in the due payment of any sum payable thereunder, the manager

may, with the approval of the Lieutenant Governor in Council, declare such agreement cancelled, and thereupon the land affected by such agreement shall be liable to the payment of all irrigation rates thereafter accruing, as if such agreement had not been made, and all sums paid in respect of such agreement shall be forfeited to His Majesty

14. If, at the time of making any agreement for the extinguishment of water right payments, there are any arrears of irrigation rates for the year 1929 or any year previous thereto, the manager may add the total amount of the arrears on account of water right payments to the amount payable under any such agreement, and shall notify the board thereof, and thereupon the board shall discontinue all proceedings for enforcing payment thereof and the Provincial Treasurer shall pay to the board the amount of the last mentioned rates so added as aforesaid

15. Every instrument effecting any sale of land discharged from water right payment, and every agreement of sale of land so discharged, and every agreement for the extinguishment of water right payment, and every instrument cancelling any such sale or agreement shall be made in duplicate, and one of such duplicates shall be filed in the office of the manager and shall be there recorded, and every instrument so filed and the record thereof shall be open to inspection at all reasonable times

16. 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

17.—(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, livestock 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,
- (g) To purchase and sell to approved water-users, farming necessities, on such terms and conditions as the manager may deem proper, or to make loans for the purchase of the same.

(2) No money shall be expended for or lent to any one approved water-user for the purposes set out in paragraphs (d), (e) and (g) of this section, or for any of such purposes, in excess of the aggregate sum of fifteen hundred dollars.

18.—(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.

(3) The manager may for the purposes of this Act, and with the approval of the Lieutenant Governor in Council, borrow money from any chartered bank upon such terms and conditions and with such times of repayment as the manager thinks proper.

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

(5) 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.

(6) Where the manager has taken security upon any lumber or other material which has been annexed to any land 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.

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

19. 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 New West Irrigation District Act*, nor any similar right possessed by the Provincial Government, shall be in any way affected by the provisions of this Act.

20. 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.

21. 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.

22. 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.

23. 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 case relating to the matters dealt with by this Act.

24. This Act shall be read together with *The Irrigation Districts Act*, but if and whenever there is any discrepancy between the provisions of the two Acts, the provisions of this Act shall prevail.

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

FIRST SESSION

SEVENTH LEGISLATURE

21 GEORGE V

1931

B I L L

An Act respecting the Colonization of
the New West Irrigation District.

Received and read the

First time

Second time

Third time

HON MR SMITH
