

Bill No. 12 of 1933.

A BILL TO AMEND THE IRRIGATION DISTRICTS  
ACT.

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NOTE.

Sections 2 and 3 of this Bill amend the existing provisions as to temporary borrowings for operating expenses by the Board of the district, and empower a Board to borrow on the security of the uncollected water service charge rates levied in the year the borrowing is made, and make such borrowings a first charge on the water service charge rates.

Section 4 makes all rates payable under the Act in respect of any parcel of land a first charge upon the crop grown upon that parcel in the year they are levied and upon the proceeds of sale thereof until the proceeds have been paid in full.

Section 5 substitutes for the existing general provisions for the sale of property taken in distress special provisions in respect of different kinds of property.

The effect of sections 6 and 7 is to advance the date for rate enforcement proceedings by one month.

Section 8 empowers the Irrigation Council in a proper case to extend, subject to conditions, the time for redemption of land subject to rate enforcement proceedings.

Section 9 empowers the Irrigation Council to postpone for not more than one year the sale of any land liable to sale under rate enforcement proceedings in a proper case, and further provides for the advertisement of intended sales in *The Alberta Gazette*.

R. ANDREW SMITH,  
*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. 12 of 1933.

An Act to amend The Irrigation Districts Act.

(Assented to \_\_\_\_\_, 1933.)

**H**IS 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 Irrigation Districts Act Amendment Act, 1933.*"

**2.** *The Irrigation Districts Act*, being chapter 114 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 15 thereof by striking out the same and by substituting therefor the following:

**"15.—**(1) Every board may from time to time by by-law authorize the chairman and treasurer to borrow, pending the collection of current irrigation rates, any sum or sums of money for the purpose of meeting—

"(a) expenses for the then current year mentioned in clause (a) of subsection (1) of section 47 of this Act;

"(b) payments on account of principal and interest payable in the current year under the terms of any district debenture.

"(2) The amount borrowed in any year on account of the expenditures mentioned in clause (a) of the last preceding subsection shall not exceed the amount of the rates levied in that year for the water service charge which is for the time being uncollected, and the amount borrowed on account of the expenditures mentioned in clause (b) of the last preceding subsection shall not exceed the amount of the rates levied in that year for the water right payment which is for the time being uncollected.

"(3) Any sums borrowed in respect of the expenditures mentioned in clause (a) of subsection (1) of this section shall be a first charge upon and payable out of the rates levied for that year for the water service charge.

"(4) Any sums borrowed in respect of the expenditures mentioned in clause (b) of subsection (1) of this section shall be paid out of the rates levied in that year, and shall be a first charge upon and shall be payable out of the sums levied on account of the water right payment, and the person for the time being entitled to receive repayment of any amount so borrowed shall in respect of any money paid by that person to discharge any of the aforesaid amounts due

to debenture holders, have the same right to priority in repayment thereof as the debenture holders would have had in respect of the indebtedness discharged thereby."

3. The said Act is further amended as to section 43 thereof by striking out the words "and all rates levied under the provisions of this Act in the district" where the same occur therein, and by substituting therefor the words "and, subject to any charge to secure any amount borrowed pursuant to section 15 of this Act, shall be a first charge upon all rates levied under the provisions of this Act in the district."

4. The said Act is further amended by inserting therein, immediately after section 145 thereof, the following new section:

"**145a.** All rates due and payable under this Act in respect of any parcel are hereby declared to be a first lien and charge upon all grain crops and root crops grown thereon, and upon any proceeds of sale thereof until the proceeds have been paid in full; and upon the secretary-treasurer delivering to a buyer thereof a demand in writing for the amount of the rates hereby declared to be a first lien and charge upon any proceeds of sale, the buyer shall, out of the proceeds of sale then remaining in his hands, pay the amount of the said rates to the secretary-treasurer in priority to all other claims and demands whatsoever."

5. The said Act is further amended as to section 146 thereof by striking out the same and by substituting therefor the following:

"**146.**—(1) In case any goods and chattels distrained consist of grain, roots or cattle which are ordinarily disposed of in the open market at the price for the time being prevailing in such market, the treasurer may sell the same in any available open market at the prevailing market price.

"(2) In case any goods and chattels distrained consist of grain, roots or cattle which are subject to any contract requiring the marketing thereof through a co-operative marketing association and the treasurer has notice of such contract, he shall market the same in accordance with the provisions of the contract.

"(3) In case the goods and chattels distrained consist of any grain, roots or cattle which are subject to any contract for the delivery thereof when made ready for market, the treasurer having notice of the contract and being of the opinion that the price payable thereunder is a reasonable price, shall deliver the same in accordance with the contract upon the payment to him of the contract price.

"(4) All goods and chattels distrained other than the goods and chattels in this section specifically mentioned shall be offered for sale by public auction, and every such sale shall be advertised for at least ten days prior thereto by public notice describing the goods and chattels to be sold and the name of the person (if known) liable for the pay-

ment of the rates for which the distress is made, and the day, time and place of sale, which notice shall be posted up in at least five widely-separated and conspicuous places in the district and at the time and place named in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to pay the rates due with all lawful costs including the sum of two dollars for posting notices.

“(5) In case seizure is made of a growing crop of grain, or of grain which is unthreshed, the treasurer may cause the same to be cut, harvested, threshed, loaded and hauled to a convenient elevator or place of storage or shipment and may add to the amount of the levy the cost thereby incurred.

“(6) In case a seizure is made of threshed grain, the treasurer may cause the same to be hauled to a convenient place of storage or shipment, and may add to the amount of the levy the cost thereby incurred.

“(7) In case a seizure is made of growing root crops, the treasurer may cause the same to be dug, harvested, topped, stored, loaded and hauled to a convenient place of storage or shipment, and may add to the amount of the levy the cost thereby incurred.

“(8) In case a seizure is made of harvested root crops, the treasurer may cause the same to be stored, loaded and hauled to a convenient place of storage or shipment and may add to the amount of the levy the cost thereby incurred.”

**6.** The said Act is further amended as to section 148 thereof—

- (a) by striking out the word “December” where the same occurs in subsection (1) thereof, and by substituting therefor the word “January”;
- (b) by striking out the words “for the year next preceding the preparation of the said return” where the same occur in clause (a) of subsection (1) thereof, and by substituting therefor the words “for the year next but one preceding the preparation of the said return.”

**7.** The said Act is further amended as to section 151 thereof by striking out the word “January” where the same occurs therein, and by substituting therefor the word “February.”

**8.** The said Act is further amended by inserting therein, immediately after section 155 thereof, the following new section:

“**155a.**—(1) Upon the application by the owner of any parcel of land which is comprised and named in any adjudication by a judge, the Irrigation Council may from time to time give a direction in writing excluding any parcel of land comprised in an adjudication from the adjudication until a further direction is given by the Irrigation Council,

upon such terms and conditions as the Irrigation Council may from time to time prescribe as to the modification of the terms of any agreement for the sale and purchase of the parcel or of any mortgage or encumbrance upon the parcel or of any lease of the parcel; as to the payment of any irrigation rates, whether current or in arrears, or of any part of any such rates; and as to the nature and extent of the farming or other operations to be carried on upon the parcel.

“(2) The Irrigation Council shall, in dealing with any application under this section, not give a direction hereunder unless it is satisfied that having regard to the circumstances of the case there is a likelihood that the applicant will by reason of his operations on the parcel eventually become enabled to pay all irrigation rates payable in respect of the parcel.

“(3) The Irrigation Council may at any time cancel, by writing under its hand, any direction previously made pursuant to this section.

“(4) Upon giving any direction under this section the Irrigation Council shall cause a copy thereof to be sent to the Registrar and upon receipt thereof the Registrar shall register the same together with the adjudication and shall not register the adjudication as against the parcel to which the direction applies unless and until he is directed so to do by the Irrigation Council.

“(5) The Irrigation Council may at any time give a further direction in writing that as and from a date to be named therein any parcel of land previously excluded from an adjudication be included in that adjudication, and a duplicate original of the further direction shall be sent to the Registrar and to such persons who appear, according to the records in the Land Titles Office, to have any interest in the parcel.

“(6) Upon the receipt of any further direction under this section, the Registrar shall register the same with the adjudication to which it relates and shall proceed to register the adjudication against the parcel to which the further direction refers.”

**9.** The said Act is further amended as to section 156 thereof—

(a) by inserting therein, immediately after subsection (2) thereof, the following new subsection:

“(2a) The Council from time to time may give a direction in writing to the Board to withhold for a specified period of time not exceeding one year any parcel of land from being offered for sale at such auction if it is satisfied that having regard to the circumstances of the case there is a likelihood that within the extended period the rates may be paid and the parcel redeemed as hereinbefore provided, and upon the giving of any such direction the Board shall not deal with the parcel mentioned therein otherwise than in accordance therewith”;

(b) by adding at the end of subsection (3) thereof the words “and in one issue of *The Alberta Gazette* not less than ten days prior to the proposed date of sale.”

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

No. 12.

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THIRD SESSION  
SEVENTH LEGISLATURE  
23 GEORGE V  
1933

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**BILL**

An Act to amend The Irrigation  
Districts Act.

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Received and read the

First time.....

Second time .....

Third time .....

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HON. MR. BROWNLEE

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1933