

Bill No. 113 of 1941.

A BILL RESPECTING THE COLONIZATION OF THE
UNITED IRRIGATION DISTRICT

NOTE.

The intention of this proposed Bill is to assist in re-establishing and settling the area included in the United Irrigation District. The financial condition of the District is set out in the recitals to the Bill. Most of the water users of the District have lost their lands through rate enforcement proceedings. The Royal Commission presided over by Mr. Justice Ewing recommended that this District be dealt with in the same manner as the Lethbridge Northern Irrigation District. The Bill provides for all the lands standing in the name of the District being transferred to a manager who is created a body corporate and he is authorized to sell the land freed from the water right payment and also to extinguish the liability for water right payments (that is the liability with respect to the debentures of the District) of persons now owning their own lands. These transactions by the manager are subject to approval by the Minister. The water users in future will be assessed only for the annual water service charge. The moneys received by the manager from the sale of lands will be applied rateably on payment of taxes and rates due respectively to the municipality and the Irrigation District except that the share of the District will be paid to the Province to be applied on the advances made and to be made by the Province. All payments made under agreements for extinguishment of water right payment will be paid to the Province for the same purpose.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 113 of 1941.

An Act respecting the Colonization of the United
Irrigation District.

(Assented to _____, 1941.)

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

Whereas most of the water users in the United Irrigation District have been unable to pay the rates levied to raise the funds required to pay the interest on the said debentures and the payments into the sinking fund to retire the said debentures and as a result nearly all of the lands in the district have been forfeited to the district for non-payment of rates; and

Whereas the said district has been unable to pay the interest and sinking fund requirements on said debentures since and including 1931 but has acquired title to a large portion of the lands in the said district; 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 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 United Irrigation District Colonization Act.*"

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

- (a) "Minister" means the member of the Executive Council for the time being charged with the administration of *The Irrigation Districts Act*;
- (b) "Board" means the board of trustees of the United Irrigation District;
- (c) "District" means the United Irrigation District; and
- (d) "Manager" means the United Irrigation District Colonization 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 United Irrigation District Colonization manager, who shall have such powers and duties as are prescribed by this Act or by the Lieutenant Governor in Council and who shall receive such remuneration as is fixed by the Lieutenant Governor in Council.

4.—(1) 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.

(2) No action or other proceedings may be taken against the manager relating to an act done by him in the professed execution of his duties as such manager unless a fiat authorizing such action or proceedings has been first obtained from the Attorney General.

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 under the provisions of *The Irrigation Districts Act*, save and except any lands which are owned by the board and which are required in connection with the operation of the district.

6. The manager may sell or agree to sell any lands vested in him pursuant to this Act, freed and discharged from the interest and all other payments which are due or may become due in respect of the said guaranteed debentures 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.

7. 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 the said guaranteed debentures, for the extinguishment of all water right payments in respect of said guaranteed debentures on such land pursuant to *The Irrigation Districts Act*, upon the pay-

ment 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.

8.—(1) All moneys payable upon any sale or agreement for sale of land discharged from water right payments with respect to said guaranteed debentures, shall be distributed in accordance with the provisions of an Act respecting the United Irrigation District, being chapter 47 of the Statutes of Alberta, 1934, except that the portion of the proceeds distributable to the United Irrigation District shall be payable to the Provincial Treasurer and shall be paid into the General Revenue Fund.

(2) All moneys payable under any agreement for the extinguishment of water right payment with respect to said guaranteed debentures shall be payable to the Provincial Treasurer and shall be paid into the General Revenue Fund.

(3) The remuneration of the manager and such other costs of administration as may be approved by the Minister shall be deducted from the gross amount collected pursuant to subsections (1) and (2) before forwarding same to the Provincial Treasurer.

9.—(1) Forthwith after making any sale or entering into any agreement for sale of land discharged from water right payments with respect to said guaranteed debentures or any agreement for the extinguishment of the water right payments with respect to said guaranteed debentures 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 by the manager from the water right payments with respect to said guaranteed debentures, the board shall levy all the ordinary rates against the land affected by such sale or agreement except the levy with respect to the said guaranteed debentures and the same shall be payable by the purchaser and his successors in title in accordance with the provisions of *The Irrigation Districts Act* and amendments thereto.

(3) In the case of lands not held by the manager and where there is an agreement for the extinguishment of water right payments with respect to said guaranteed debentures, the board shall levy all the ordinary rates against the land affected by such agreement except the levy with respect to the said guaranteed debentures and the same shall be payable in accordance with the provisions of *The Irrigation Districts Act* and amendments thereto.

10. 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 with respect to said guaranteed debentures or if default is made in the due payment of any

irrigation rates payable under the provisions of *The Irrigation Districts Act* and amendments thereto or of any taxes charged against the land 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.

11. In the case of any agreement for the extinguishment of water right payments with respect to said guaranteed debentures, 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 for 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.

12. Every instrument affecting any sale of land by the manager and every agreement of sale of land, and every agreement for the extinguishment of water right payments, 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.

13. Subject to the provisions of any Order in Council from time to time varying the powers and duties of the manager, he shall, subject to the approval of the Minister, 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.

14. 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.

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

16. 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.

17. All books and records pertaining to the work carried on by the manager and by the board under this Act shall be kept on such forms as are prescribed by the Provincial Auditor and 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.

18. 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.

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

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

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act respecting the Colonization
of the United Irrigation District.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

EDMONTON:
A. Shnitka, King's Printer
1941