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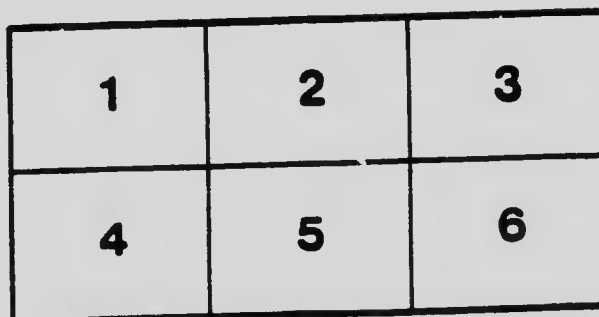
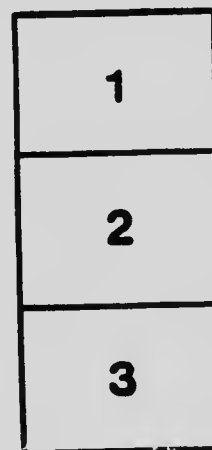
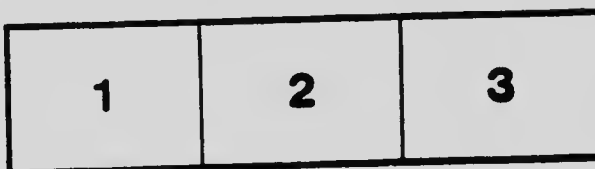
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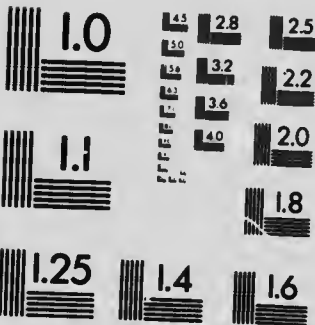
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PROVINCE OF BRITISH COLUMBIA

DEPARTMENT OF LANDS—WATER RIGHTS BRANCH

(Hon. W. R. ROSS, K. C., Minister)

REPORT

ON A

PUBLIC IRRIGATION CORPORATION BILL

ACCOMPANYING AND EXPLAINING

THE REVISED DRAFT

By H. W. GRUNSKY

Together with Letters on the same Subject by DR. S. FORTIER, Chief of
Irrigation Investigations, and FRANK ADAMS, Irrigation Manager
in Charge of Work in California, both of whom are
connected with the United States Department
of Agriculture



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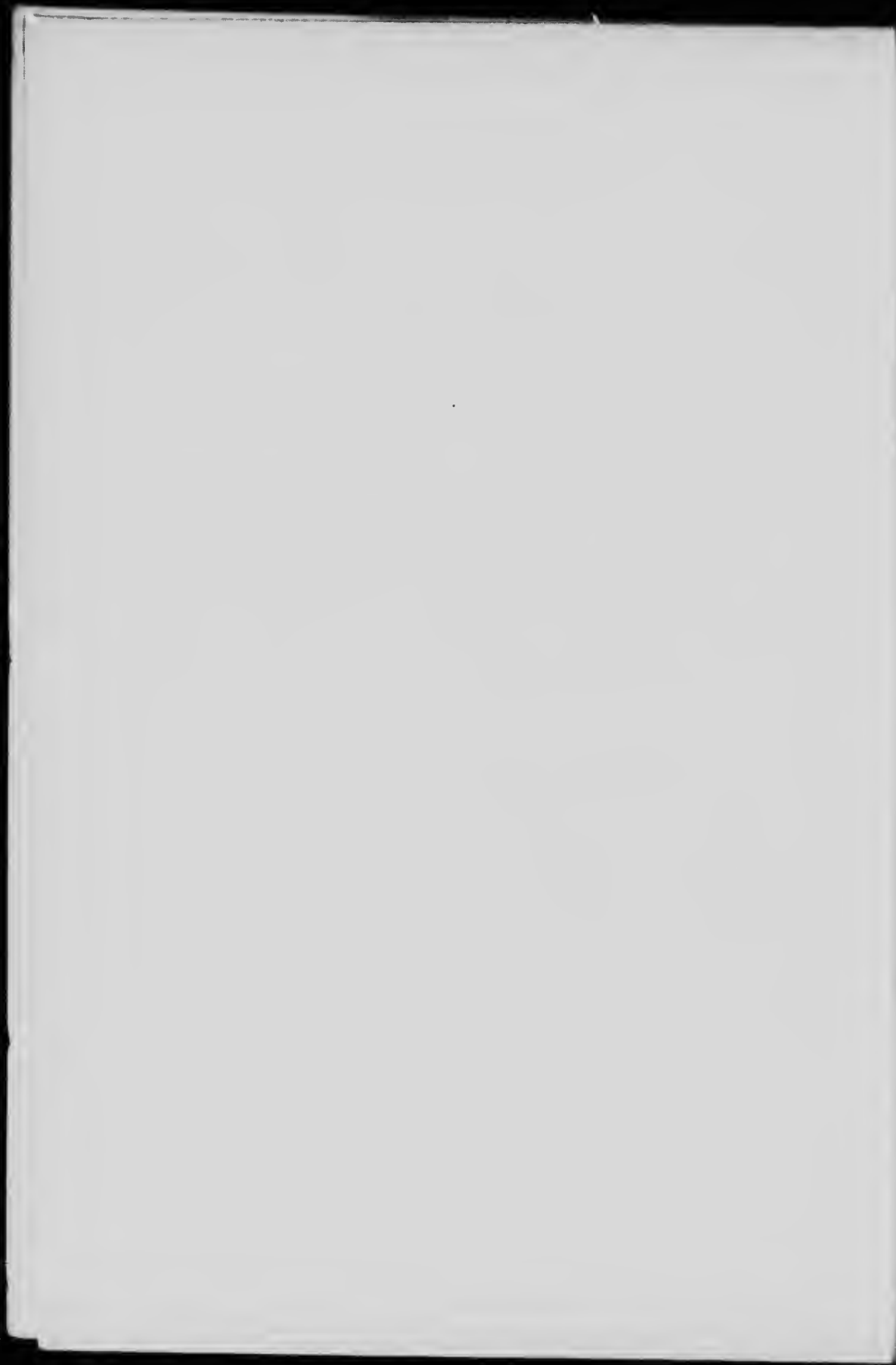
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REPORT

ON A

PUBLIC IRRIGATION CORPORATION BILL.

VICTORIA, B.C., November 17th, 1913.

The Hon. William R. Ross, K.C.,

Minister of Lands, Victoria, B.C.

SIR,—In compliance with your request, I have redrafted the Public Irrigation Corporation Bill, and herewith hand you a copy of the revised draft, together with a report explaining briefly the purpose to be accomplished by the measure and some of its more important features.

The original Bill was drafted at your request in the latter part of last January by J. F. Armstrong, Chairman of the Board of Investigation, A. P. Luxton, K.C., of Victoria, and myself, and was introduced by you at the last session of the Provincial Parliament in response to an urgent appeal, through resolutions adopted at the Kelowna Irrigation Convention, and otherwise, from many representative farmers and land-owners in the Interior of the Province. However, owing to the fact that it was late in the session before the Bill could be completed, it seemed best to you to let it go over for a year in order that it might receive the more mature consideration and discussion which such an important measure warranted.

The drafting of the original and revised Bills was greatly facilitated by strong letters upon the subject by Dr. Samuel Fortier, Chief of the Irrigation Investigations Branch of the United States Department of Agriculture, and by F. Adams, Irrigation manager in charge of the work of the same Branch in the State of California. Both these letters are printed in conjunction with this report. The letter of Dr. Fortier epitomizes very clearly the main principles involved in an irrigation-district law, and the letter of Mr. Adams lays stress on the necessity for State supervision. Many of the ideas expressed in these letters have been adopted in the proposed Bill. Both the gentlemen named spent several days in Victoria during the past summer, and again went into the principles of the proposed Bill very carefully and gave me the benefit of their further ideas.

My recent trip into the Okanagan Valley and Railway Belt has enabled me to get the views of many men who are vitally interested in this subject, and to become familiar with existing conditions. I have endeavoured to frame the Bill to meet these conditions. I know that it is still far from perfect, and I hope that it will receive close study by interested persons, and that many suggestions for its betterment will be made in such concrete form that they may be of service in perfecting the measure.

The Bill, in brief, makes possible the joint ownership and corporate control of irrigation enterprises by the land-owners of any locality in the Province where the lands can be irrigated advantageously from a common source or sources of supply and through a common system of works. This is accomplished through the medium of publicly owned corporations known as "public irrigation corporations."

The organization of these corporations resembles very closely that of city and district municipalities. They are in reality municipalities dealing only with matters relating to water, including its supply, its carriage and distribution, and its conservation.

Through their instrumentality, money may be borrowed upon debentures or otherwise and taxes may be imposed which become a first lien upon the lands within

the corporate limits. It is contemplated that, by means of these institutions, water-users will be enabled to co-operate effectively and on a large scale in the solution of their water problems.

AN AID TO AGRICULTURAL DEVELOPMENT.

British Columbia is today agriculturally in about the same situation as was the State of California in 1887 when the "Wright Act" was passed. This Act made possible the formation of corporate bodies similar in purpose and organization to those just described, and was the first Act of its kind put into practical operation in North America.

In British Columbia to-day, as in California in 1887, the best of the agricultural lands in the more settled parts of the Province are taken up. Especially is this true of the lands which are so situated that the waters of adjacent streams can be brought upon them by short gravity-ditches. Furthermore, as was the case in California then, so now in the more arid parts of this Province the natural flow of the more important streams has been recorded many times over.

The day of "cheap" water for irrigation purposes is a thing of the past. The bringing of water-supplies to the higher valley lands now being occupied involves the construction of storage-works in the headwaters of streams and the building of canals with headgates far up in the rocky canyons. Such works generally cost anywhere from five to fifteen times as much per acre as the primitive ditches of the early settlers, and involve an outlay that is beyond the financial ability of individual land-owners.

This is a serious problem, and in reaching its solution one of two courses must be pursued. The Government must either permit privately owned companies to become organized for the purpose of building and owning and operating the water-supply systems, or some form of co-operative ownership and control must be devised which will enable the land-owners themselves to do this.

In a former article* I endeavoured to point out that the practice prevalent in this Province of forming "carrying companies" which own no land and whose sole function is to store and carry water at stipulated rates for others is not only contrary to the spirit of the "Water Act," but is not in the best interests of the Province. Better acquaintance with conditions in the Okanagan Valley and in the Railway Belt has only confirmed me in the above opinion.

NEED FOR EFFECTIVE ORGANIZATION.

Without disparaging co-operative effort on a smaller scale, provision should be made for large and effective combinations among the water-users. A multiplicity of small canals and ditches cannot do for an arid section of country what a large unified system planned for the good of all will do, and the former is incomparably the more expensive and more wasteful method in the long run. Moreover, capital on a large scale is required to build irrigation structures of the most approved type and of adequate capacity to serve large tracts of land. To procure this capital good security must be given, and this is often beyond the reach of individuals.

It would not be difficult to point to a dozen or more partly settled valleys in this Province to-day which, although possessing good soil, a comparatively low altitude, and climatic conditions sufficiently favourable for the production of crops of a wide range, are prevented from attaining their highest development because they lack proper water storage and distribution systems. The Bill is designed to help such localities in attaining a greater agricultural prosperity.

WILL LESSEN WATER-RIGHT CONTENTIONS.

There is one rather unfortunate element in the water-administration problem in British Columbia which makes it quite distinct from that of any other Western Province or State. I refer to the status of the water titles. To be sure, California and the other Western States had their problems, too, relating to the ownership of

* Report of Water Rights Branch, 1912, pp. 21, 22.

Copies of this report may be had by addressing William Young, Esq., Controller of Water Rights, Victoria, B.C.

the waters; only, there the extent of the riparian owners' rights formed the storm-centre about which all other water questions revolved, and the riparian owner was the man accused of holding up the use of water, while here the early record holder in his rights occupy the same unenviable position.

The fact that from earliest times only recorded rights to the use of waters have been recognized in this Province, coupled with the further fact that for several decades records were granted and administered in a very loose way by the Provincial authorities, has resulted in bringing about an anomalous situation, which it is hoped the enactment of the proposed Bill may alleviate in part at least.

The holders of the early records in many cases failed to make the slightest development under their records for ten, twenty, or even thirty years, and yet they were undisturbed by the Provincial authorities in their holdings. Not only were these old records vague and uncertain in their terms, and their validity in many cases open to question, but they were often filed away in dusty and forgotten volumes. The utmost ignorance which prevailed on every hand in regard to the available water-supply of the various streams added to the difficulties of the local administrators.

The very inertia of this situation gave many of the later record-holders a false sense of security in their position, while some were in entire ignorance of former filings. In not a few cases the men in these last-named classes were among the most active in their respective communities in the clearing of lands, in the building of ditches, and in the general development of their particular part of the Province.

As long as there was plenty of water in the streams to satisfy all uses, there was no reason for complaint; but with the rapidly increasing population that came with recent years and the correspondingly increased demand for agricultural products, an impetus was given to the clearing of larger areas of lands and to their preparation for irrigation. The gradual completion of works by the early record-holders and the calling for all the water to which their records entitled them, or, rather, to all the water which could be used beneficially under those records, brought the situation to an acute stage.

Already the later record holders have in many instances been compelled by their more fortunate though not always more vigilant neighbours to close their headgates in the heart of the irrigation season, and more cases of this kind are sure to follow. Thus, through no fault of their own, but rather through the slowness of the Provincial authorities in times past to deal with water records, these later record-holders have had the fact brought home to them that the records under which they have used water and carried on development are to-day practically useless.

It is my opinion that the Public Irrigation Corporation Bill as now revised, if enacted, will do more than almost any other single measure to alleviate the conditions which I have outlined in the foregoing paragraphs. Such an Act would be the medium through which the inequities in the relative positions of the holders of the earlier and later records could, to a large extent, be removed. It would give an opportunity for the townspeople of an enterprising community to join forces with the neighbouring farmers in shouldering a common burden and bringing about a common prosperity, just as has been done in California and other States; or if there were no disposition for such united effort the farmers could operate independently under the measure.

LOCAL CONTROL.

The key-note of the measure herein advocated is local control. Co-operative management in this phase of industry seems to have worked remarkably well wherever it has been tried, and has prevented a great deal of petty bickering and complaining between water-users and irrigation companies. Contrary to the usual rule, this is one sphere of activity where farmers have been able to conduct an important business creditably. So popular is this idea in the United States that very few private irrigation companies are now formed that do not sell the land and the water system together, so that eventually, when the land-owners have completed their payments, they own and control the water system as well as the land.

The formation of the type of mutual company just mentioned is now made possible under the "Water Act."* It is in harmony with the principle so strongly expressed throughout the Act, that the water right should be appurtenant to the land upon which the water is used. If, however, the water right is to become part and parcel of the land upon which the water is used, there is no good reason why the ownership of the works through which the water is carried should not be treated in precisely the same way. Both Part XA, of the "Water Act," above referred to, and the present Bill are in harmony with this idea, and lay the foundation for a consistent line of legislation for British Columbia on this subject.

In a publicly owned system the land-owner gets his water at cost, and even if the system is not managed quite so economically as the privately owned one, the maintenance and operation charges are apt to be less in the long run, since the private company must figure on a reasonable profit on its investment.

It may be suggested that the plan for the organization of public irrigation corporations, while it is popular in the States, where the people are given to all kinds of co-operative effort, will never do in British Columbia. The fact is, however, that this very plan met with the biggest kind of opposition in California and other States when it was first introduced; that it won its way in spite of the bitter enmity of a large percentage of the very classes whom it was intended to help, and it is to-day being taken up in those States with renewed vigour.

I might cite one instance which is typical. I am told, of all, I quote from a letter from E. W. Wurster, one of the moving spirits in the irrigation-district movement in California and a prominent member of the South San Joaquin District. He says, writing under date of February 4th:—

The time appeared ripe in 1908 to launch a movement for the formation of an irrigation district then comprising some 63,000 acres of land. Since that we have added 9,000 acres. However, we met with considerable opposition, and it became necessary to publish a weekly paper, ably edited by A. L. Cowell, and through that medium, and the weekly meeting of a Bureau of Irrigation (made up of land-holders of the district, twenty-five being the number with officers and various committees, who held open meetings free to all for participation therein) we finally won out and formed our district.

Our last bond election clearly indicated how we have created an irrigation sentiment. We have a bonded indebtedness, previously voted upon, amounting to \$1,875,000. On January 25th, 1913, we voted a further bonded indebtedness for the completion of the main canal, distributing system to 40-acre units, and drainage system \$1,170,000, and for reservoir \$790,000, making a total to date of \$3,835,000 for 71,000 acres, or about \$54 per acre. The last bond vote on this stood as follows: For the completion of the main system, 484 votes, and 24 against; for the constructing of the reservoir, 432 votes, and 53 against.

I was over the district works last Sunday. It filled me with admiration and awe to see the work done and to look up at the fine dam above Knights Ferry, on the Stanislaus River, 85 feet high, over which the water is now pouring. I stood with hat off as I gazed on the flowing water, and thanked God for the work so far accomplished. Under trying circumstances of financing, letting contracts, and getting rights-of-way, the directors of this district have made a most remarkable showing.

There is one instance which has come to my notice of an irrigation company in British Columbia that is operated on the co-operative plan. This is the Wood Lake Fruit Lands Company, situated in the Okanagan Valley about half-way between Kelowna and Vernon. I spoke with several members of this company, and the information which I gathered from them led me to believe that there is not a better satisfied group of water-users anywhere in the Province than the one under this company.

CLOSE SUPERVISION BY THE GOVERNMENT.

While an effort has been made to call for local initiative at every step in the life of the public irrigation corporation, this idea has been coupled with another, equally important—namely, that of close supervision on the part of the Government. This is secured by requiring that every important act of the Trustees, such as the appointment of an engineer to make surveys, the adoption of plans, the passage of a by-law for borrowing money, the issue of debentures, and the letting of important contracts, is to be subject to the approval of the Board of Investigation.

* "Water Act Amending Act, 1913," adding "Part XA," to the original Act.

The experience of Western States with "irrigation district" laws has indicated that public supervision is necessary, and amendments looking to this end have been passed recently in several States.* Most of the failures recorded in California under the early operation of the "Wright Act" are attributable to the fact that districts voted for the adoption of schemes without due preliminary investigations. In many instances the water-supply which had been depended upon was found to be wholly inadequate. Idaho and California now require a report on water-supply by their respective State Engineers before any district is permitted to go ahead.

California also has a Commission composed of the Attorney-General, the State Engineer, and the Superintendent of Banks, whose duty it is to make an investigation into the feasibility of any project and report thereon when it is desirable that a contemplated issue of bonds shall be made available for the investment of trust funds. The investigation includes such matters as the possible water-supply, the nature of the soil, the reasonable market value of the system, and the debt to be incurred. If the report of the Commission is favourable, the State Controller is authorized to certify to the bonds issued according to the plans approved by the Commission. Such bonds thereafter become available for the investment of trust funds.† The form of this certificate is printed on another page.

The composition of the California Commission has been criticized because the officials who make it up (the Attorney-General, the State Engineer, and the Superintendent of Banks) are already overtaxed with routine duties, and cannot give newly proposed projects the careful scrutiny which the latter demand. The Board of Investigation of this Province, on the other hand, is composed of men who have made a special study of water problems and have a familiarity with local conditions throughout the Province. It is a non-political body well fitted to prosecute special investigations and give fair determinations upon matters involved in the Bill. This Board might also be well used in making investigations into the rates and charges made by companies engaged in the sale, barter, and exchange of water or of power, such as are contemplated under section 312 of the present "Water Act." In my opinion, its membership should include a civil engineer of high ability.

Close supervision will not involve the Government with responsibility any more than investigations of rates charged and appliances used by a railway company involve the Government in the railway enterprise. If, however, instead of being satisfied with supervisory measures, the Government were to insist that one of its representatives—say, the local Water Recorder—should act as a member of the Trustees of the Corporation, it might be urged, with some reason, that the Government thereby became responsible for the success of the project, for such a course would indicate a partnership between the Government and the land-owners. The same consideration might be urged to a lesser extent if the Trustees and other officers of the corporation were to be appointed by the Lieutenant-Governor in Council, as is the case with drainage and dyking districts in this Province.

The proposed Bill represents the very antithesis of these ideas. Every important step in the life of the corporation is initiated either by the land-owners or their chosen representatives and must be approved by vote of the electors. In this way responsibility is placed on the land-owners. The Government merely has a check to prevent hasty or ill-advised action. Yet such supervision will be a welcome protection to the bond-holders, and will aid the farmers themselves to avoid many mistakes while getting their projects under way.

NAME CHOSEN FOR THE CORPORATE BODY.

Inasmuch as there are many provisions in the Revised Statutes referring generally to municipalities which would be wholly inapplicable to the publicly owned corporations whose creation is contemplated in the proposed Bill, it was thought best not to use the term "municipality" as part of the name. The term "district," so widely used in the United States, was also deemed objectionable.

* California Statutes, 1913, chap. 578, ss. 3 and 7; Idaho Statutes—Political Code, ss. 2393-96, 2399, and H. Kinney on Irrigation and Water Rights, 2nd Ed., Vol. III, sec. 1411, giving full list of references.

† California Statutes, 1913, chap. 366.

because it is already in use to designate divisions of the Province for the purpose of water administration.

The institutions which it is proposed to create by this Bill must be distinguished from private corporations. They are public in the highest sense. Time and again the constitutionality of the legislation creating similar institutions in the States has been attacked on the ground that such legislation was special in that it aided a particular class of citizens; but uniformly the Acts have been upheld, and Courts have declared that these agencies for the transformation of arid lands into cultivated fields were in the interests of all the people of the particular State affected. Fortunately there is no question of constitutionality standing in the way in British Columbia.

Irrigation is the main purpose for which the corporate bodies contemplated in the proposed Bill are to be created. Irrigation is a subject which has in the last few decades developed its own problems, requiring careful thought and attention in their solution. A company or body corporate organized with irrigation in view requires rules and regulations quite different from those of a company supplying water exclusively for municipal or domestic purposes, or from those of a "district" or "township municipality." Therefore it was thought desirable to include the word "irrigation" in the title of the Bill and in the name of the body corporate.

PETITION—SIGNATURES REQUIRED.

A petition for incorporation under the Act is to be addressed to the Lieutenant-Governor in Council, but is to be filed with the Comptroller of Water Rights.

Only owners or occupiers of land are entitled to sign. This is reasonable since they are the ones who will be taxed if the corporation petitioned for is organized.

It will be noticed that the signers of the petition must hold at least one-half in value of the lands within the territorial limits of the proposed corporation (6 (3) i), while to carry the question as to whether the corporation shall be created 10 per cent. of the votes validly cast is necessary (15). Both these percentages are thought to be conservative. They can be varied from time to time by future sessions of the Legislature according to the degree of encouragement which the Government deems it advisable to give this form of institution, and according to the number of petitions placed on file.

If the Act is not to be a dead letter, the burden of initiating the movement for incorporation should not be too great. The purpose of the petition is merely to get matters in shape for more formal consideration. It is not to be presumed that land-owners at this stage have any very well formulated ideas as to whether the formation of the corporation would be a benefit or otherwise. Nevertheless, they might be willing to take the initial step, waiting upon the later investigations to give them data of a more definite nature.

MEMORANDUM OF THE COMPTROLLER.

The filing of the petition itself will not necessarily involve the Government in surveys and field investigations. The Minister will order such to be made only after a preliminary investigation and memorandum on each case by the Comptroller of Water Rights, and if a project does not appear promising it can be dropped at the outset. This memorandum will verify the percentage of lands included in the petition, and will present a summary of such hydrographic and office data as are easily available respecting the lands to be irrigated, the source of the water-supply, and the prior appropriations of water from the same source. The steps to be taken in this connection correspond fairly closely to the consideration given to an application by a company for the approval of its plans under the "Water Act." While this memorandum will involve only slight expense, it will serve to indicate to the Minister whether further investigations by the Board are desirable.

GOVERNMENT CONDUCTS INITIAL INVESTIGATIONS.

On the memorandum of the Comptroller and upon any further facts which may come to his notice, the Minister is to decide whether, in the public interest, surveys

shall be made which will show more particularly whether the proposed scheme is feasible or not. In the initial stages of every irrigation project certain preliminary surveys are necessary to demonstrate its practicability or impracticability, and to furnish a proper basis for an estimate of its cost. It is such surveys only which are to be undertaken by the Government under the proposed Bill.

When compared with development by private corporations in the United States the results achieved by irrigation districts appear small, and in several States the irrigation-district Acts have been practically dead letters on the statute-books. One reason for this is that those Acts make no provision for aiding the districts to become organized. Every private irrigation company, on the other hand, has its "promoter," who makes it his sole business to demonstrate the advantages of the contemplated project to others.

There are usually a few public-spirited men in every community, but it is nearly always beyond the means of these individuals to make the requisite outlay for preliminary surveys, and it is not reasonable to expect that two or three men will do this on a mere chance that they can persuade their fellow land-holders to adopt the scheme. If, as aforesaid, the encouragement of these institutions is in the interest of the people of the whole Province, there seems to be no good reason why the Government should not, after mature consideration of each case, undertake the initial investigations.

Provision is made in the Bill that the moneys expended on these investigations are to be repaid into the Provincial Treasury by the corporation after $\frac{1}{2}$ has been organized (18 (2) 1. In this way it is calculated that the Government will be instrumental in assisting one after another of these public irrigation corporations to overcome the difficulties encountered in their organization period, and thus, indirectly, will secure the extension of the agricultural areas of the Province.

Such a provision will not in any way involve the Government with the financial success or failure of these corporations. All the latest legislation on this subject in the Western States has been for closer governmental supervision, but there has been no suggestion that such supervision implied a guarantee of the success of the irrigation projects on the part of the State.

Under the Bill, if the Government makes surveys and investigations respecting a proposed project, and if its decision on the petition is, in the end, unfavourable, or if the people within the limits of the proposed corporation vote against the undertaking, the loss incurred in making the said surveys and investigations will fall upon the Province. However, the expenditures involved will be insignificant when compared with benefits which will accrue to the people of the whole Province in the way of the agricultural development which will be fostered by this Bill if enacted. Moreover, since ample provision is made to safeguard the different steps in forming public irrigation corporations, and since the Minister will direct initial surveys to be made only in those cases where the report of the Board is most favourable, it is not likely that there will be many cases where moneys will be expended uselessly.

BOARD MAKES INVESTIGATION AND REPORT.

As already explained, the investigation which is to be conducted by the Board is merely preliminary in character, its purpose being to demonstrate the feasibility, practicability, and probable cost of the proposed project. The Minister may, if he deems it advisable, appoint an engineer who has wide experience in irrigation matters to carry on the engineering investigations (8).

The Board, if properly constituted, is better fitted to make this preliminary report than any single official in the Province, since matters of a legal and financial as well as of an engineering character are involved. The Board, furthermore, is not tied down in its movements, and it is easily conceivable that the trained engineer (who should, in my opinion, be a member of this body) might be in one part of the Province directing such field investigations as are contemplated in the proposed Bill, while the other members are proceeding with matters which bear on the legal or financial aspects of the problem.

The Board's report is, after due advertisement in the Gazette and in a local newspaper, to be laid before the land-owners of the district in a local meeting. Prior to this meeting, copies of the report and of any accompanying plans are to be opened to public inspection at some point within the territorial limits of the proposed corporation and in the office of the Board. At the meeting, any objections to the petition or to the report of the Board which may have been filed are to be heard.

The Board is then to submit its report to the Minister after amending it in any way that it deems advisable in the light of the objections presented, and after including therein its recommendations as to whether the corporation should be established, and, if so, as to the proper boundaries of the lands to be included.

Leaving to the Minister (after report by the Board) the question of boundaries obviates a number of difficulties that have come up in the Western States. The end desired is to take into the limits of the corporation a compact body of lands which may be supplied with water from a common source, and yet not to include too many land-holders who are hostile to the undertaking. The question of including large tracts of unsettled land is also a puzzling one, and each case of this kind will have to be worked out upon its own merits. Requiring the approval of both the Board and the Minister seems to give assurance that no projects will be undertaken that are not organized on right lines.

Provision is made in the Bill for having owners of existing works or rights-of-way whose requirement is essential in the establishment of the system set a price upon the same, if possible, before the final report of the Board is filed. It is calculated that such owners will be more reasonable in their demands at this time than afterward; and if in any instance a great many of them refuse to comply with the requests made in this connection, it will simply result in defeating the project, for the Minister will naturally turn his attention to the investigation of petitions that seem more promising.

VOTING ON INCORPORATION.

Reference has already been made to the necessity for a local vote upon the creation of any public irrigation corporation. This is in keeping with the idea of local initiative and local responsibility at every point in the life of the corporation. This voting, under the Bill, is to take place after the boundaries of the corporation have been carefully decided and after a definite plan and an estimate of the cost of the system has been presented to the public for inspection. Except in exceptional cases, the land-holders will not have a very clear idea, at the time the petition is circulated, as to the character of the system required to be constructed, its probable cost, or the benefits to be derived.

In the formation of a district or township municipality in this Province, incorporation follows the filing of a petition signed by the owners of more than one-half in value of the lands affected, without the formality of an election. In this case, however, the boundaries are not subject to revision after the petition is filed. There is, moreover, no such uncertain element involved in the creation of the corporate body as in the case of the public irrigation corporation, where the establishment of the irrigation project is the sole object to be accomplished.

An election, if it will afford opportunity for a more deliberate and independent judgment on the part of land-owners than a petition, and therefore seems more suitable for the purposes of the proposed Bill. Many men will sign a petition through personal suasion, whereas, if they are allowed to vote by ballot, they will exercise an independent choice. The irrigation-district laws of the various States all permit of voting upon incorporation.

OFFICERS.

Under the Bill as presented, the Trustees and the Assessor are to be elected from the corporation at large. The persons who are to act as Collector, Treasurer, and Secretary of the Trustees are to be appointed by the Trustees, and any two or all of the said offices may be held by one person, and any Trustee may be appointed to

either of these offices or to any two or to all of them (18). It is thought that the election of Trustees at large will give an opportunity to get the very best men in the whole corporation to serve in this important capacity. In most of the States the directors of an irrigation district are elected from small subdivisions of the district, but this principle has not always resulted in getting the most public-spirited men on the directorate.

The Assessor is made an elective officer because the post he is to fill is one which will essentially concern every land-owner in the corporation. The Trustees will sit as a Court of Revision over the acts of the Assessor. If they had the appointment of this officer they would have the whole matter of assessment under their control. As they are themselves interested parties this would not be a suitable arrangement.

In California the plan of having the Assessor elected at large has worked well. The respective owners are more satisfied to abide by assessments made by a man of their own choosing. Moreover, directors of districts have frequently become involved in petty wrangling which divided them into two factions; such a situation has been known in some districts to extend over a period of six or eight years. It has been very fortunate in these cases that the Assessor was nominated and elected at large, and was thus kept aloof from any sectional or partizan disputes.

Under the Bill as introduced last year it was required that the Assessor be an irrigation engineer. This has not been followed in the revision. Where it is necessary that estimates of irrigable areas be made or that land be classified with respect to susceptibility to irrigation, this can be accomplished under subsection (3) of section 91 of the revised Bill, under which the Assessor may employ men specially skilled to do this work, whose appointment is to be approved by the Board.

The difficulties presented by the work of assessment under the proposed Bill are not as great as they appear at first sight; and if the Assessor be a man of common-sense ideas and good judgment it is thought that he will handle the situation satisfactorily, and with perhaps less expense to the corporation than if it were required that he be an irrigation engineer.

ELECTION MACHINERY.

The "Municipal Elections Act" has been followed closely in all matters of election procedure. In general, the duties which are exercised by the Municipal Council and the Clerk of the Council in municipal elections are to be fulfilled by the Trustees and the Chairman of the Trustees of the corporation respectively. In one or two instances duties ordinarily cast upon the Returning Officer are given to the Trustees or their Chairman.

The election upon the creation of the corporation is arranged for in the following manner: The Board of Investigation in its report to the Minister is to make a recommendation with regard to suitable precincts and polling-places, and as to what the number of the Trustees of any particular corporation is to be (9 (k)). The Minister, if he approves the report of the Board, is to cause notices of the election to be published, is to appoint a Returning Officer, Deputy Returning Officers, and five persons who are to act as a Court for the Correction of Voters' Lists, and is to make any other necessary arrangements for the holding of the election (13 (a-g)).

The expenses incident to this election are to be borne from a fund which the petitioners are to deposit at the time of filing the petition for incorporation (5 (4) (f)). The Returning Officer is to prepare the voters' list from certified copies from the Provincial or municipal assessment rolls, which are to have been previously prepared by the Assessor of the assessment district or the Clerk of the municipality, as the case may be (13 (g) and 23). As improvements are not to be taken into account in the proposed Bill, the difference in land-valuations in the two rolls will probably be slight, and, at any rate, they constitute the only convenient standard of valuation available for use at this election.

For any election subsequent to the one upon the creation of the corporation, the assessment roll of the corporation is to be used as the basis of the voters' list (20).

VOTERS AND VOTING-POWER.

Only those owners who are in or entitled to the actual possession of lands within the given territorial limits and who are on the assessment roll are to vote, and any particular parcel of land is to be represented only once in any voting. Homesteaders and pre-emptors are to be allowed to vote if they are on the assessment roll and if they otherwise fulfil the conditions required (17 (2-a)). The Minister of Lands is to be entitled to be represented by proxy and to vote for such lands as are owned by the Crown in the right of the Province and as the Lieutenant-Governor in Council signifies his willingness to include in the limits of the corporation (17 (2-c)). Likewise the Dominion Government is to be entitled to represent any lands which it is willing to have included and taxed for its proportionate share of the cost of the project (17 (2-b)). Corporations are to be allowed to vote by representative, and absentee land-owners by proxy (17 (d-e)).

It will be seen from the above that the Bill aims at including within the limits of any public irrigation corporation every parcel of land that would be benefited by the water-supply system, and at giving every owner of such land, whether it be the Crown, a public or private corporation, or an absentee owner, a voice in the management of the affairs of such corporation. There should be no "skips" either of lands which can be supplied with advantage from the system or in the representation of such lands at elections.

Frequently Indian reserves lie in the very heart of a valley that could be served in an ideal manner with a common irrigation system. In other cases unoccupied lands owned by the Crown in the right of the Province should be included in the limits of any corporation that is formed. The Crown, in either case, will be benefited just as would any private individual owning similar lands, and it is aimed to provide, in the sections referred to above, that, with the consent of the Lieutenant-Governor in Council, such lands may be included in any public irrigation corporation, and, if so included, that the Minister of Lands may represent them, either in person or by proxy, in any elections of such corporation.

The usual qualification that voters must be British subjects is not included in the proposed Bill. Chinese, Japanese, or other Asiatics, and Indians are, however, excluded from voting (17). Several important considerations for this variation from the "Municipal Act" were urged by parties interested in irrigation enterprises in and around Vernon. The same reasons were given to support proxy-voting rather than the scheme of absentee-voting incorporated into last year's Bill.

Those reasons are, briefly, as follows: The questions to be decided in the voting are purely of an economic nature; they concern primarily the securing of a water-supply for certain lands; any one sufficiently interested to buy land should be allowed to have a voice upon questions relating to the delivery of water upon it. The Province needs to encourage the settlement of its agricultural lands. The men who are most willing to go upon the soil and develop it are often aliens. If we were to shut this class out from voting it would often leave the balance of power in the hands of a few owners of large tracts, which, as has been shown, is not a promising situation for the establishment of a public irrigation corporation.

Under the Bill the number of votes which any owner is to be entitled to cast will increase with the increased amount of land owned, but not in direct ratio (19). This arrangement protects both the large and the small owners, especially as 60 per cent. of the votes validly cast will be required to carry the election for the creation of the corporation. A similar provision to this is adopted in the "Water Act, 1905" (s. 96); the "Local Government Act, 1903" (s. 71), of the Province of Victoria, Australia; and in the "Water Act, 1912," of the Union of South Africa (ss. 53 and 85 (2)), only in the latter case the number of votes is allotted according to acreage instead of assessed valuation. The acreage basis was deemed inapplicable here owing to the desirability of including non-irrigable lands within the corporate limits and taxing them. This point is taken up more fully under the head of "Taxation for Revenue Purposes."

Improvements are not to be taken into account under the Bill in calculating voting-power, nor are they to be subject to taxation. The term "improvements" includes fences, buildings, fixtures, other structures, trees, vines, growing crops, and timber (2, 10, and 89 (1)).

POWERS OF TRUSTEES.

The Trustees in general are to be given such powers as will enable them to carry out the purposes of the Act. In other words, they may do such things only as are required to be done in establishing and managing an irrigation enterprise, or as may be considered incidental thereto. Among these powers may be mentioned (always with the aforesaid general purposes in mind): acquiring works, lands, or rights-of-way, by construction, purchase, expropriation, or otherwise; employing engineers to devise plans, and other employees or agents for other purposes, and fixing their respective compensations; entering upon lands for the purpose of making surveys and plans; exercising the privileges of a licensee under the "Water Act"; making rules not inconsistent with the "Water Act" relating to the distribution and use of water through the corporation system; entering into agreements for the storage and carriage of water for land-holders within and in some cases without the corporate limits; utilizing or disposing of water-power created incidentally to the establishment of the system; providing for drainage; raising moneys by borrowing, by taxation of land, or by water rentals; managing and accounting for the expenditure of all moneys of the corporation; fixing the compensation of the officers of the corporation; regulating elections of the corporation, and regulating the conduct of the meetings of the Trustees.

Nearly all the above-named powers are to be exercised by by-law. By-laws for raising money or incurring any liability whatever are to be approved by the Board (50 (g) proviso, 57, and 64 (4)), as are also by-laws for the adoption of plans, the acquirement of property, and the construction of works (59 (4 and 5) and 60), and the by-laws for the letting of contracts (61 (5)).

The Trustees are to be permitted, without special approval on the part of the electors of the corporation, to incur such liabilities in the organization of the corporation and in the ordinary management of the project in each current year as the Board may approve. They are also to be permitted, without such express approval by the electors, to make such surveys as may be necessary to formulate plans for the project, supplementing or amending the plans presented in the report of the Board, or devising new plans. In all other cases than the above, which involve the incurring of any liability, the by-law for the same is to be submitted to the electors of the corporation and approved by them. (50 (g) proviso, 60 (1), and 64 (5)).

Most of the irrigation-district laws of the States south of the line name a fixed sum—say \$2,000—as a limit beyond which the directors of any district may not go in the incurring of liabilities in the organization of the district. The amount named may be ample in some cases and insufficient in others. It was therefore thought best, in the draft of the Bill, to leave this matter to the Board, so that each case could be decided on its merits.

The corporation is not to have control over all the water-supply in its territorial limits, but is to be subject to the "Water Act," and will have to recognize existing rights. It will, however, have the same power to make regulations for the use and distribution of water carried by its system as a private company would have.

While the corporation will have no power to expropriate existing rights to the use of water, it is to be given power to expropriate existing works for the carriage and storage of water, as well as the right of the owners of such works to store or carry water in or through them (50 (c)). The object of this provision is to avoid a multiplicity of ditches and to secure an economical distribution of water over the entire area within the corporate limits, but expropriation, in any case, is to be optional with the corporation.

In fixing the price of works for the purpose of expropriation, due account will have to be taken of their depreciation (if any) in value through use and otherwise.

and the said price is not in any case to exceed the amount for which such works could be reproduced. The price to be paid for the right of the owners to establish or maintain such works or to store or carry water in or through them is not to be greater than an amount arrived at by capitalizing at 10 per cent. the estimated increase (if any) in the per annum cost of the delivery of the requisite quantity of water through the corporation system over the per annum cost of the delivery of the said water through such works. The object in fixing a maximum price of expropriation in each of these cases is to prevent the saddling of a greater burden upon the corporation and the lands which are to be taxed by it than they will bear.

The rights of individual land-owners in the corporation as licensees under the "Water Act" will be the same after the establishment of the corporation as before. The only difference in their status will be that those licensees whose works may have been purchased or expropriated will get their water through the system of the corporation instead of through their own works.

It is contemplated that through storage and through a greater economy in the distribution and use of water the establishment of the public irrigation corporation will go a long way toward alleviating the inequity in the relative positions of the various record-holders. The man who has the first record on the stream will have just as much water after the advent of the corporation as before, and he will no doubt get a flow later in the season owing to better means of storage and conservation. The holders of the later records, however, will secure a much more favourable supply of water than they did formerly. As I have endeavoured to show under the heading "Will lessen Water-right Contentions," those men are frequently the very ones who most deserve to be benefited by the passage of a Public Irrigation Corporation Bill.

TRUSTEES—DUTIES AND ACCOUNTS.

The Trustees of every public irrigation corporation, in addition to any other duties which are imposed upon them by the enactment of the proposed Bill, are to be charged with the duty of maintaining the system in a proper state of repair and of conserving the supply of water available therefor, and of arranging, subject to the "Water Act," for the due and equitable distribution of any water which the corporation will be entitled to store or carry (52).

Fixing the security which the various officers of the corporation are to give is, under the proposed Bill, left to the Lieutenant-Governor in Council, after recommendation by the Minister. This security will be likely to vary greatly in different public irrigation corporations. In one case such a corporation may be formed which will be but a small affair involving the lands of not more than twenty or thirty farmers, while in another case it may be large enough to embrace both the towns and the agricultural lands of the whole valley.

Contrary to the above, the policy of the various Western States is to fix in their Statutes the sums for which bonds must be executed by the several officers of the district. In the California Statute the sums fixed are as follows: Assessor, \$5,000; Collector, \$20,000; Treasurer, \$50,000; directors, each \$5,000. In the cases of the Assessor, Collector, and Treasurer, the bonds must be approved by the Board of Directors, who have power, also, in the cases of the Treasurer and Collector, to alter the above amounts so long as they keep them between certain minimum and maximum figures—namely, in the case of the Treasurer, between \$10,000 and \$50,000; in the case of the Collector, between \$5,000 and \$20,000. The bonds of the directors themselves must be approved by the Judge of the Superior Court of the county in which the organization of the district was effected. All bonds must be recorded in the office of the County Recorder as well as filed with the Secretary of the Board, and must be in the form prescribed by law for the official bonds of county officers.

Under the proposed Bill the Trustees of every public irrigation corporation will be required to publish once a year a statement giving full particulars as to the financial condition of the corporation (54 (3-a)). They will also have to submit to the Board a complete report of all financial transactions and of the progress made on works under construction, lands being supplied with water, etc. (54 (3-b)).

The Trustees or the Board are to have power at any time to direct a full examination and audit of the books of the corporation (55 (11)). The compulsory audit clauses of the "Municipal Act" may also be invoked if desirable (55 (12)).

All moneys in the hands of the corporation may, by the Trustees, be deposited in the Provincial Treasury, and all such moneys exceeding at any time the sum of \$10,000 are to be so deposited. A similar provision exists in the California Act, only there it is the "County Treasury" which has been used as a depository. The Minister of Finance and Agriculture is to allow the corporation interest from time to time at such rates of interest as would be paid on current funds by banking institutions of the Province.

Such moneys on deposit in banks frequently draw no interest, and in other cases only 2 or 3 per cent., while the banks charge the same parties 7 or 8 per cent. on their overdrawn accounts. There is an element of risk in placing the moneys for investment in the hands of trust companies. By permitting deposit of funds in the Provincial Treasury perfect safety will be assured, reasonable returns from the investment thereof will be possible, and the responsibility of the Treasurer of the corporation will be greatly reduced, as well as the amount of the bond which that officer will be required to give, which will in some instances be no small consideration.

ACQUIRING PROPERTY AND CONSTRUCTING WORKS.

The first business of the Trustees after the creation of the corporation will be to perfect the plans for the construction of the system. The electors will have just voted for incorporation after having had a general plan of works up for consideration. It would not be reasonable to require special authorization from them to complete such surveys as might be necessary for properly outlining the project. The surveys and investigations which will have been made by the Board will be of a preliminary nature, but the surveys directed by the Trustees will be to provide plans and estimates of a more detailed character. Therefore the Trustees are to be permitted to undertake these surveys, the only condition being that they are to be carried out by a competent engineer experienced in irrigation matters, whose appointment and the amounts to be expended for the purpose are to be subject to the approval of the Board of Investigation (58).

When such plans are completed the Trustees are to submit by-laws embodying the same, first to the Board, which must report upon them within ninety days, and, after the Board's approval, to the electors for confirmation (59 (1-5)). Any material alteration of such adopted plan is to be similarly treated (59 (2)). When by-laws embodying plans are thus approved and confirmed, the Trustees will be permitted to proceed to purchase or expropriate the necessary lands and to acquire or construct the necessary works (60 (2)). They are not, however, to make any purchases in excess of the estimates submitted in the by-law under which they are operating without special approval of the Board (60 (2), proviso). Expropriation proceedings are to follow the procedure laid down in Part XV. of the "Municipal Act" (60 (3)).

When contracts are to be let the particulars must be duly advertised and tenders received (61 (1-5)). If all bids are unsatisfactory the Trustees may reject them, and may readvertise or may proceed to construct the works under their own superintendency (61 (3)). The letting of all contracts for construction-work is to be approved by the Board (61 (5)).

BY-LAWS.

The proceedings relating to the passage of by-laws and their validity follow very closely the provisions of the "Municipal Act." Here and there the "Consolidated Municipal Act, 1903," of the Province of Ontario has also been drawn upon.

Under the revised Bill it will be possible to arrange, when any debt is to be incurred, for the debt as well as the interest thereon to be repaid in instalments (65). It may be undesirable for a corporation whose members are made up largely of farmers to be under the necessity of raising sinking funds from year to year, and of having to invest them safely so as to meet long-term payments. Under the section

referred to it will be possible so to arrange the repayment of a debt that the funds under the control of the corporation at any one time will be light; that is, outside of moneys needed for ordinary running expenses, the most that will be required to be on hand will be an amount sufficient to meet interest and the particular instalment of the debt which is then falling due. The payment at the end of the term, under this plan, like the others, will be merely one instalment of the debt and interest.

DEBENTURES.

The Bill contains the ordinary provisions of the "Municipal Act" relating to debentures, and, in addition, some ideas taken from Ontario Statutes. The plan of having debentures approved by the Board of Investigation (75) was suggested by similar legislation in both Ontario and California.

Under the Ontario "Municipal Securities Act, 1908," after the time has elapsed during which a by-law authorizing the issue of debentures may be quashed, the Council of the municipality or any person interested may apply to the Ontario Railway and Municipal Board for a certificate approving any particular debenture or series of debentures issued under the said by-law; and if such certificate is granted the debenture becomes valid and binding, and its validity will not thereafter be open to question in any court.

The California legislation along somewhat similar lines has already been referred to under the heading "Close Supervision by the Government." Three State officials constitute a Commission whose express purpose is to pass on the bonds of irrigation districts. This Commission looks into the whole project of the irrigation district, including such matters as water-supply, soil, and general feasibility. If their report is favourable the State Controller is authorized to approve the debentures of the district. The approval under the California procedure takes the following form:—

SACRAMENTO, CAL. [insert date].

I, _____, Controller of the State of California, hereby certify that the within bond, No. _____ of issue No. _____ of the _____ Irrigation District, issued [insert date], is, in accordance with an Act of the Legislature of California approved _____, a legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the State school funds and any funds which may be invested in county, municipal, or school district bonds; and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the State Engineer, the Attorney-General, and the Superintendent of Banks of the State of California in pursuance of said Act. The within bond may also, according to the Constitution of the State of California, be used as security for the deposit of public money in banks in said State.

.....
Controller of State of California.

SINKING FUNDS.

The deposit of sinking funds in the Provincial Treasury is to be permitted under the proposed Bill (81, 82). Practically the same idea is incorporated in the "Municipal Securities Act" of the Province of Ontario. Such deposit in the Provincial Treasury is to be optional on the part of the Trustees, and for the reasons already given for the deposit of current funds in the Provincial Treasury under the heading "Trustees—Duties and Accounts," it is thought that such a privilege will be of material benefit to the irrigation corporations.

Very stringent regulations are supplied in the Bill to assure the levying of rates by the Trustees of any public irrigation corporation for the raising of sinking funds; to assure the keeping of accounts so as to exhibit at all times the state of every debt; to guard against the diversion of sinking funds for purposes other than the payment of the debt for which they have been created; and to secure the proper investment of surplus moneys raised on special rates (83-88). These sections are calculated to keep the officers of public irrigation corporations in the straight and narrow path as far as the handling of sinking funds is concerned.

The securities in which the investment of sinking funds is to be permitted include Government securities; municipal debentures; debentures of the corporation or of

other public irrigation corporations (which debentures shall have been approved by the Board as provided in section 75): first mortgage on real estate held and used for farming purposes, being the first lien on such real estate; and such other securities as the Lieutenant-Governor in Council may, by general or special Order in Council, approve after investigation and report by the Board; but no sum so invested in mortgage shall exceed two-thirds of the value (according to the assessment roll last revised and corrected prior to the time when the money is invested) of the real estate on which it is secured (80).

The Bill makes provision for the redemption of debentures before they are due if a corporation has funds available for this purpose, provided that the Trustees thereof can agree with the holders of the said debentures on the price at which they are to be redeemed, and provided that an order be obtained from the Lieutenant-Governor in Council approving the said redemption and directing the manner of selecting the particular debentures which are to be redeemed (85).

TAXATION FOR REVENUE PURPOSES.

Experience has demonstrated that irrigation companies in the West which are compelled to raise all their revenues from water-charges based on the quantity of water actually used by various land-owners are foredoomed to failure. One instance might be cited in this Province where there are 17,000 acres of land under the company system, and where last season only about 3,000 acres were supplied with water. A land-owner under this project may take water or not in different years, according to his fancy at the time. No one realizes better than the manager the weakness of the plan adopted by the company, which is now in the hands of the bondholders.

Another method of raising a revenue for an irrigation enterprise, and one that, in principle, is diametrically opposed to the above, is that set forth in the irrigation-district law of California. This law calls for the taxation of all lands within the boundaries of any district (including town lots, grazing lands, etc., including improvements) according to their "full cash value" to raise the money required for the first cost of the system, and permits of the taxation of all such lands, at the option of the district, for the maintenance and operation of the system.

The principle adopted in the proposed Bill lies between these two extremes. Ordinary maintenance and operation charges are to be raised either by taxing all the irrigable and cultivable lands within the territorial limits of the corporation and within close reach of some distributary lateral of the system, or by levying tolls based upon the quantity of water actually used by the various land-owners, or by a combination of the two methods. Moneys for the first cost of the system, or for permanent improvements thereof, are, on the other hand, to be raised by a tax upon all the lands (exclusive of improvements) within the limits of the corporation (90). The standard of valuation of the said lands is not, however, as in California, the "full cash value." This will be referred to again.

If the principle that only irrigable lands may be taxed were to be embodied in the proposed Bill, I fear that its purpose would be largely defeated, and that, if enacted, it would fail to fulfil that large measure of usefulness for which it was designed. The same idea is forcibly expressed by Dr. Fortier in the letter attached hereto.

In the first place, the security which the corporation might be able to give to possible bond-buyers would be greatly lessened by such a course. The irrigable lands are often of very little value when a project is in the formative stage. After water is actually delivered upon them they rise in value rapidly. The capitalists who loan money, however, wish to see their security before the loan is made. It might happen frequently, therefore, that a project which could be put through successfully under the Bill as it stands would fail if only the irrigable lands were liable to taxation.

In the next place, owing to the public nature of the enterprise, and to the indirect benefits that would come to all the land-owners within the limits of the corporation by reason of the enhanced value of their lands, it would seem only fair that all should contribute toward its cost. Projects commonly known as "irrigation

projects," which promote the conservation of the water-supply of one or more streams in an arid country through storage, or better carrying facilities, or a more economic distribution of water, or any or all of these purposes combined, are of general benefit to all the owners of lands in the locality affected, whether those lands be irrigable or otherwise.

Bearing this in mind, it seems just as reasonable that all the land-owners of a rural district, or of a town and rural district together, should become organized under a corporate form of control for the purpose of establishing such a project as that the property-owners in a city should through their municipality build and operate their own water, light, or street-railway systems. The principle that all the land within the corporate limits of the corporation may be taxed for the first cost of the system has worked well in California, and I believe it would, in the modified form in which it is embodied in the proposed Bill, operate successfully in this Province.

The Town of Modesto, California, is shouldering approximately one-quarter of the burden imposed in the way of taxation upon the residents of the Modesto Irrigation District. So Turlock and the smaller towns in the adjoining Turlock Irrigation District pay a proportionate share of the cost of the Turlock system, and a similar situation prevails in other districts in the State.

The residents of these towns have been rewarded many times over for the slightly increased tax rates which they have paid. In the years 1901 and 1902, respectively, water was first turned into the canals of the Turlock and Modesto Districts. At that time the towns as well as the farms of the locality showed unmistakable signs of poverty, whereas to-day Modesto and Turlock are among the most progressive of the smaller California towns, with substantial and beautiful public buildings and paved streets, and with a general air of prosperity pervading the farming communities which surround them.

This revolution was plainly the result of bringing water to the lands and of the more intensive farm-culture thereby made possible. The most bitter opposition to the irrigation-district idea in California came not from the townspeople, but from the owners of the larger outlying tracts of land. These men fought against the principle that all lands within the district should be taxed whether the owners thereof used the water or not. They kept up an opposition in the Courts and otherwise for ten years, and almost succeeded in killing the irrigation-district movement in the United States. Their objections were finally disposed of by the Supreme Court of the United States, and taxation of all lands within the boundaries of the districts was declared constitutional.*

The fears of these large land-owners were not justified, for their lands have doubled and trebled in value since the day when water was turned into the canals, and to-day some of these very men are among the staunchest supporters of the district idea. Town property has likewise doubled and trebled in value in the time mentioned by reason of the general prosperity which has come with the building of the irrigation systems.

CLASSIFICATION OF LANDS FOR ASSESSMENT PURPOSES.

The California experience, then, seems to indicate the fairness of the principle that at least a portion of the cost of an irrigation enterprise may be raised by taxation of non-irrigable lands. Under the term "non-irrigable lands" as used in this connection, town lots, grazing lands above the canals, timber lands, etc., are included. It has already been shown that the proposed Bill does not go as far as the California law in taxing the non-irrigable lands, since, under the Bill, such lands are not to be taxed for ordinary maintenance and operation purposes, while in California they may be so taxed.

* *Fallbrook Irr. Dist. v. Bradley*, 164 U.S. 112, 41 L. Ed. 369, 17 Sup. Ct. Rep. 56; reversing *Id.*, 68 Fed. Rep. 948. For the history of the Modesto and Turlock Districts, see "The Distribution and Use of Water in Modesto and Turlock Irrigation Districts," by Frank Adams, in "Separate No. 3, Annual Report of Irrigation and Drainage Investigations, 1904," which may be obtained by addressing the Sup't. of Documents, Government Printing Office, Washington, D.C. For the controversy over constitutionality and a general discussion of the features of irrigation-district laws, see "Kinney on Irr. & Water Rights" (Bender-Moss Co., San Francisco, Publishers), 2nd Ed. Vol. III, sec. 1404-1407.

In still another respect the proposed Bill, in comparison with the California law, favours the non-irrigable lands. This is in the matter of the standard prescribed for the assessment of lands. The California law calls for assessment at "the full cash value," while the proposed Bill permits of a classification of the lands according to the benefits derived from the irrigation system and assessment accordingly.

Perhaps the strongest argument against the provision of the California Statute requiring assessment at "full cash value" is that local practice departs from the Statute requirement, and is in many instances virtually a classification of lands and assessment according to benefits received. A prominent officer in one of the California districts, when questioned on this point, is said to have made the reply: "We assess, not according to law, but according to justice."

Through information furnished by Frank Adams, in charge of United States Irrigation Investigations in California, I learn that the Assessor of one of the largest of the California irrigation districts makes the following classification of lands for assessment purposes:—

- (1.) The higher lands along river, to which under present practice it is locally considered impracticable to bring water, and the probable market value of which is \$70 to \$80 per acre, are assessed at \$1 per acre;
- (2.) The lower lands lying on one side of the district where ground-water is high and considerable alkali is present, the probable market value of which is also \$50 to \$60 per acre, are assessed at \$30 per acre;
- (3.) The lands within about five miles of town which have considerable higher market value than lands more distant, probably \$200 to \$400 per acre, are assessed at \$90 per acre;
- (4.) Ordinary agricultural lands having no value incident to proximity to town are assessed at about \$7.5 per acre;
- (5.) Town lands are assessed at about 40 per cent. of their actual market value except for non-income-producing town property, which is assessed at about 30 per cent. of its value.

The above classification is given, not because it is thought perfect, but to show the practice and the necessity of a certain degree of flexibility in the matter of assessment. It proves, too, the inequity of the principle embodied in the California Statute, for the District Assessors have to break the law in order to do justice.

On the other hand, the plan of classification of lands according to benefits received permits of flexibility. Such classification is not compulsory under the proposed Bill. If the Assessor and the Trustees sitting as a Court of Revision and the Board of Investigation to whom an appeal lies on this matter are of the opinion that an assessment according to land-values, so rigidly fixed in the California Statute, is the fair one, they may adopt it. If, on the other hand, they decide that straight irrigable acreage is the proper basis of assessment, they may follow that principle, or they may adopt a plan that is a compromise between the two ideas.

If classification of irrigable lands for taxation purposes under a public irrigation corporation is desirable anywhere, it is desirable in British Columbia. Topographical conditions in this Province are such that lands in the same neighbourhood vary greatly in respect to their need of irrigation-water. In this respect the situation is quite different from that of some of the States, where tracts of land embracing 10,000, 20,000, and occasionally even 100,000 acres or more of arid lands, acre for acre alike in slope and general moisture conditions, are brought under one irrigation system.

Leaving out of discussion for the moment land which is more or less naturally sub-irrigated, let us consider the case of the farmer within the limits of the corporation who has 10 acres of land, 5 of which are watered by a spring which rises on or near his land, and that he has secured the exclusive right under the "Water Act" to use such water for the irrigation of those 5 acres. Suppose, as is very likely to be the case, that the corporation does not care to expropriate the farmer's system. This farmer would never have to call on the corporation for water for more than 5 of his 10 acres. It would not be reasonable to tax such a farmer as much as

another who held 10 acres of strictly arid land, and if such a course were followed, or even considered, this man would be an enemy of the public irrigation corporation idea.

In the same way, many cases will occur in British Columbia where land-owners within the proposed limits of the corporation have, at some labour and expense, established irrigation systems of their own to supply either part or all of their lands. In some instances such lands will want to be excluded from the limits of the corporation altogether, but in other cases it will be impractical to exclude them. Where they are included, it may not prove to be advisable in every case for the corporation to expropriate or purchase their water-supply systems, and in those instances it would not be right to tax such land-owners for the maintenance and upkeep of the corporation system.

CLASSIFICATION PROVIDED FOR IN OTHER ACTS.

Assessment according to benefits derived is not a new idea. Some of the provisions of the Acts of other Provinces and States and of other Acts of this Province permitting of a classification of lands more or less similar to that provided for in the proposed Bill are here given. They would seem to indicate that the ordinary cash value of land is not a suitable standard for assessment purposes under an Act dealing with the construction and operation of irrigation-works by local communities.

The "Drainage, Dyking, and Irrigation Act, 1913," of this Province in section 29 uses the following language:—

The Commissioners shall cause the engineer to make plans of the proposed works, and to prepare an estimate of the cost of the same, and also an assessment roll as near as may be in the Form No. 2 in the Schedule hereto showing the area of each lot or parcel of land the subject of separate ownership within the district, and the respective owners thereof, and their respective addresses; and in the event of the engineer being of opinion that the benefit to be derived by the lands within the district from the proposed works is not substantially a uniform benefit, he shall in said assessment roll divide the said lands into various classes according to the benefits to be derived from the proposed works, and shall state the proportion which each such class shall bear of taxes to be levied on said lands, and the moneys thereof, to meet the cost of the works and of maintenance, and all other expenses which the Commissioners are authorized to raise by means of taxes under this Act.

And in section 35, the following:—

Whenever the Commissioners shall determine that it is necessary to raise moneys by means of taxes as aforesaid, they shall levy taxes on all lands within the district, and upon the owners for the time being thereof, based upon and in accordance with the assessment roll; and, in the event of the assessment roll classifying the lands into more than one class, the taxes levied on the respective classes shall be in accordance with the proportions set forth in the assessment roll.

The "Water Act, 1905," of Victoria, Australia, provides for an apportionment of water rights to the lands included in any of its "irrigation and water-supply" districts. This apportionment is by the State Rivers and Water-supply Commission of the Province. After allotting a certain amount of the available water-supply for domestic and stock purposes, not less than one-half nor more than three-fourths of the remainder may be apportioned *pro rata* on the basis of area to all lands, other than swamp lands, within the district which are capable of being supplied by gravitation with water from the works. Additional rights may on application be apportioned to lands given over to orchard, vineyard, or other intensive culture. Section 62 provides for a general water rate, and is in part as follows:—

62. The Commission shall from time to time make and levy upon the occupiers or owners of all lands within any waterworks district subject to its jurisdiction and control, or within any irrigation and water-supply district except within any urban division thereof, a general rate for the supply of water for the domestic and ordinary use of persons dwelling upon such lands, and for watering cattle or other stock or for the drainage of such lands. Such rate may be made for one year, and shall be of such an amount in the pound of the rateable value of such lands as may be necessary to recoup the proportion of interest on cost of works (except such works as are by this Act or shall be by some future Act of Parliament declared free headworks), and of maintenance and management thereof, properly debitable in respect of the service rendered by the works as the Commission may determine.

For the purpose of making and levying such rate such lands may be arranged in divisions, but so that there shall be not more than three such divisions in any district. In the arrangement in divisions regard shall be had to the relative extent of the benefits derived by such lands from the works constructed for the service of such district, but so that lands that are commanded by gravitation with water by such works shall be in the first or highest division.

The whole of any holding of land not exceeding six hundred and forty acres in extent and not divided into two or more separate portions by a public road or roads shall be deemed to be commanded by gravitation if any part thereof be commanded by gravitation with water from such works.

In any district the lands whereof have been arranged in divisions as herein provided, the rate in respect of lands in the second division shall be one-half of the rate in respect of lands in the first division, and the rate in respect of lands in the third division shall be one-fourth of the rate in respect of lands in the first division.

The above quotation concerns a general rate upon all lands within the jurisdiction of the district. The same Act also provides for an annual water-charge for the use of water for irrigation and permits of lands being classified for the purpose of levying such charge (sections 61 and 65). Section 61 reads in part as follows:—

Such charge may, in the discretion of the Commission, be made and levied equally in respect of all the lands within any such district or part thereof in respect of which notice has been so given, or may be graduated in respect of the lands in the several classes, but equal in respect of all lands in the same class as such lands are classified in the register for such district; but the charge in respect of the lands in the lowest class in any such district shall not be at a less rate than one-half of the charge in respect of the lands in the highest class in the same district.

The following excerpt from the Irrigation-district law of the State of Idaho (section 2399 of the Political Code) indicates the basis upon which lands are classified for assessment purposes in that State:—

Whenever the electors shall have authorized an issue of bonds as hereinbefore provided, the Board of Directors shall examine each tract or legal subdivision of land in said district, and shall determine the benefits which will accrue to each of such tracts or subdivisions from the construction or purchase of such irrigation-works; and the cost of such works shall be apportioned or distributed over such tracts or subdivisions of land in proportion to such benefits; and the amount so apportioned or distributed to each of said tracts or subdivisions shall be and remain the basis for fixing the annual assessments levied against such tracts or subdivisions in carrying out the purposes of this title.

Whenever thereafter any assessment is made either in lieu of bonds, or any annual assessment for raising the interest on bonds, or any portion of the principal, or the expenses of maintaining the property of the district, or any special assessment voted by the electors, it shall be spread upon the lands in the same proportion as the assessment of benefits, and the whole amount of the assessment of benefits shall equal the amount of bonds or other obligations authorized at the election last above mentioned.

The Union of South Africa "Water Act, 1912," provides for the creation of corporations known as "Irrigation Boards," whose functions are very similar to those of public irrigation corporations under the proposed Bill. The sections dealing with the levying of rates by these Boards are as follows:—

90. Every Irrigation Board shall, as soon as possible after the first election of its members, prepare in manner prescribed by regulation a schedule of the irrigable area of each defined piece of land within the irrigation district, and may from time to time thereafter alter the Schedule in manner likewise prescribed.

91. (1.) To defray any expenditure incurred or to be incurred by it, an Irrigation Board may levy rates, to be called "irrigation rates," which shall be levied upon and in respect of every definable piece of land having an irrigable area in the district and shall be payable by the owner of the land.

(2.) An irrigation rate shall be assessed annually by the Board at a uniform sum per morgen of the entire irrigable area comprised in the district; but, under special circumstances and with the consent of the Governor-General, the Irrigation Board may divide this district into areas in which differential rates, uniform within any such area, may be levied.

MISCELLANEOUS PROVISIONS.

Under the proposed Bill the Minister is permitted to place a reserve upon the waters of any stream affected, either at the time a petition for the creation of a public irrigation corporation is filed, or upon the filing of a memorial by two or more owners of lands stating that they intend to circulate such a petition. This reserve may be made effective for a reasonable length of time, pending the progress of organization proceedings. It will prevent the possibility of one or two disgruntled

persons entering filings upon the same waters, and setting out some opposition plan of development for the mere purpose of defeating the project of the public irrigation corporation (5).

Under the Bill the terms of office of the first Trustees are to be so arranged that there will be a partial continuity in the membership of that body at any time. This is brought about by having the Minister designate, in the first instance, which of the Trustees elect are to serve for a long and which for a short term (33 (b)). Trustees and other officers elected at elections subsequent to the first are to hold office for two years (33 (a)).

The sections relating to qualifications and disqualifications of officers, vacancies, and organization and procedure are mostly drawn from the "Municipal Act" and the "Municipal Elections Act" of British Columbia, with here and there a point drawn from the "Water Act, 1905," of the Province of Victoria, Australia, especially that part which deals with "waterworks trusts." These trusts are institutions in some respects similar to those whose creation is contemplated in the proposed Bill. The sections relating to executions against public irrigation corporations follow the provisions in the "Municipal Act" dealing with executions against municipalities.

The property of every public irrigation corporation, under the proposed Bill, is to be exempt from taxation under any Provincial or municipal law for a period of twenty years from the date of its incorporation. This is in keeping with the idea that these institutions are to be encouraged, especially during the early years of their existence. The farmers, who will in the main compose their membership, will pay the tax in the end, and, in the very years when such corporations are in the formative period, these same farmers will be fortunate if, in two years out of three, they can show a profit from their farming activities.

IRRIGATION-DISTRICT MOVEMENT IN THE STATES.

That reclamation through the instrumentality of irrigation districts is coming to play quite an important part in some of the States is undoubted. The United States irrigation census for 1909 shows that the irrigation districts of eight States, California, Idaho, Colorado, and Nebraska leading in the order named, were furnishing water to something over 500,000 acres of land. About 4 per cent. of the total irrigation in the country was to be credited to irrigation districts.

The same authority gives the acreage actually irrigated by irrigation districts in California in the year 1909 as 173,793 acres. The total area irrigated in and south of the Railway Belt in this Province is probably not over 75,000 acres. That Californians believe in the irrigation-district idea is evidenced by the fact that in the latest session of their Legislature several Bills were enacted with a view to perfecting their former laws on the subject, or for making organizations of a slightly different type possible.*

According to the report of the State Engineer of Idaho for 1909-10, nineteen districts were then in existence in that State. Analysing reports from eleven of these districts, I find that there were some 174,000 acres of irrigable land embraced in their limits, of which 54,017 acres were irrigated.

SCHEDULE OF DATES.

A schedule of dates is appended to this report. This gives the principal times which have been set in the proposed Bill for various events, such as annual elections, preparation of assessment roll, payment of taxes, financial statement of Trustees, etc. For convenience, references are given in this schedule not only to the sections of the proposed Bill, but to last year's Bill, and to similar sections in the "Municipal Act" and "Municipal Elections Act."

References are also given in tabulated form to provisions in the legislation of other countries and States which correspond more or less closely to similar provisions in the proposed Bill. It will be noticed that most of these references are to the Acts of other British commonwealths where irrigation is practised, and that the principles of British jurisprudence have been closely followed in drafting the Bill.

Respectfully submitted,

H. W. GRUNSKY.

* Chapters 366, 387, 578, and 592, California Statutes, 1913.

DR. FORTIER'S LETTER RESPECTING A PUBLIC IRRIGATION CORPORATION STATUTE FOR BRITISH COLUMBIA.

(The author of the following letter, Dr. Samuel Fortier, Chief of "Irrigation Investigations," a branch of the United States Department of Agriculture, Washington, D.C., was engaged in an advisory capacity by Hon. W. R. Ross, Minister of Lands, for the summer of 1912, in connection with the reorganization of the Water Rights Branch. Dr. Fortier spent sixty days in the Province, and while here he made a close study of the local institutions connected with waters and water administration.)

WASHINGTON, D.C., January 27th, 1913.

DEAR SIR,—In response to your letter of January 11th requesting information concerning irrigation districts, I am forwarding the following notes. These have been prepared in the rush of other pressing duties, and in consequence are not so complete as I could wish. My efforts have been confined for the most part to a brief discussion of those features about which differences of opinion are likely to arise. I trust you will also hear from Frank Adams on the same subject, and as we have had no opportunity to compare opinions you will have to act as referee in case of disagreement. Mr. Adams has given more consideration to the organization and operation of irrigation districts than any other member of our force. The only excuse I have for airing my views is a somewhat intimate knowledge of conditions in British Columbia, and in making use of this knowledge in recommending measures that would fit into the laws, customs, and conditions of the Province.

Judge Kinney, of Salt Lake, in his work on irrigation and water rights, has devoted over seventy pages in Volume 3 to a discussion of State irrigation-district laws, and I have drawn quite freely from this work in part of what follows. Permit me to state in passing that you should have Kinney's work in the Provincial Library. It is published by Bender, Moss & Company, of San Francisco.

HISTORY OF DISTRICT LAWS.

The then Territory of Utah enacted the first irrigation-district law in 1865. The Wright law of California followed in 1887. Numerous amendments have since been made to the Wright irrigation-district law, and these, with the original law of 1887, have formed the basis of much of the irrigation-district legislation of the Western States. The extent of this legislation is shown in the following outline:—

State.	Law passed.	Amendments.
California	1887	1897, 1909.
Colorado	1901	1903, 1907, 1909.
Idaho	1895	1897, 1899, 1903, 1907, 1911.
Kansas	1891	1901, 1905.
Montana	1907	1909.
Nebraska	1895	1905.
Nevada	1891	1911.
New Mexico	1909	
Oregon	1895	1909, 1911.
South Dakota	1891	1895.
Texas	1905	
Utah	1865	1881, 1897, 1911.
Washington	1890	1895.
Wyoming	1907	1911.

PURPOSE AND BENEFITS.

The main purpose of district laws is to place in the hands of those who own land and use the water the management and control of the irrigation system, and to provide a method for securing funds to construct and operate works that are too costly for the individual or small groups of individuals to undertake. The district

law provides a means of securing a water-supply independently of private corporations, whose officers and water-users seldom work in harmony, by selling bonds to obtain funds to construct new works or purchase existing works.

Perhaps the chief benefit of the district law is to unite in one organization all the people of an agricultural community in such a way that each contributes his just share towards the expense of the undertaking, has a voice in its management, and a share in its benefits. These laws oblige those who profit by such undertakings to contribute something to defray their cost.

CONSTITUTIONALITY OF IRRIGATION-DISTRICT ACTS.

On this feature I quote from Judge Kinney's work: "The State Irrigation-district Acts have been attacked from every possible point, but have been uniformly held to be constitutional, both by the Supreme Courts of the respective States adopting the law, and also by the Supreme Court of the United States."

APPROVAL OF STATE OFFICERS.

At the time the first district law was passed by the Legislature of the State of California, steps were being taken to abolish the office of State Engineer, and the State had no other officer competent to pass on the feasibility of irrigation districts, the adequacy of the water-supply, and the cost of irrigation-works. It may have been due to this fact that no adequate provision for State supervision was embodied in the Act. In any event, this has proved a weak feature not only in the original Act of California, but in the modified Acts which have been passed since 1887 by the Legislatures of other Western States. This defect can be easily remedied in British Columbia by providing that the Board of Investigation of the Water Rights Branch of the Department of Lands make a thorough investigation of all of the salient features pertaining to the proposed district, and that no district be organized without the approval of this Board. In strengthening this feature of the proposed district Act of British Columbia, it will do away with the necessity of much legislation and shorten the Act, since a part of what is enacted into law in this country can be referred in British Columbia to the Board of Investigation, to the advantage of all concerned. In addition to other powers and duties, the Board of Investigation shall be given authority to fix the size and boundaries of any proposed district to include those lands whose owners would be benefited by such an organization and exclude those which would not, on being petitioned so to act by the owners of a certain percentage of the taxable property in the proposed district.

THE INCLUSION OF LAND AND WATER COMPANIES.

From what I observed while in British Columbia last summer, the agitation in favour of irrigation districts and local control of irrigation systems was largely confined to the representatives of private corporations engaged in furnishing water-supplies, selling irrigable lands, and operating and maintaining irrigation systems, together with the water-users under these various companies. This fact, it seems to me, should be duly considered in framing any new legislation on this subject. A district law that would not make possible the inclusion of one or more such companies would likely remain inoperative or else be greatly restricted in its scope. On the other hand, the framers of such a measure should safeguard the interests of individual land-owners against a private corporation. I would suggest that a three-fourths majority of all the votes cast in favour of an organization be required. In Colorado, Nebraska, and Utah a majority is sufficient, but in California, Idaho, Nevada, and Washington there must be at least two-thirds and in Kansas three-fifths of all the votes cast. Such a provision, coupled with the power vested in the Board of Investigation, should do much to protect the interests of the minority.

THE INCLUSION OF GOVERNMENT LAND IN A DISTRICT.

Irrigable lands owned by the Province and, if feasible, irrigable lands owned by the Dominion should likewise be included in a district, providing such lands can be more economically irrigated by district works than by any other. Both the Province

and the Dominion should be regarded as land proprietors within the proposed district, and contribute their proportionate share of the cost of the enterprise and receive a like share of the benefits. The number of acres of Provincial and Dominion lands should not be more than a certain fixed ratio of the total number of acres in the district.

THE BASIS OF VOTING AND QUALIFICATION OF VOTERS.

In California all persons are entitled to vote who possess all of the qualifications required of the electors under the general election laws of the State, but in those States whose Constitutions permit a property qualification in order to vote upon this and similar subjects the Legislatures may fix such a qualification. Therefore in Utah it is provided that at all elections held under the provision of the law all persons shall be entitled to vote who are owners of agricultural lands within said district, and that, too, whether or not they are residents within the proposed district. At all such elections in Utah each elector shall be entitled to cast one vote for each acre of land or fraction thereof owned by each elector, and shall sign the ballot and indicate opposite his name the number of acres owned by the elector casting the ballot.

In my judgment, voting in British Columbia on the organization of an irrigation district, on the election of officers, on the levying of taxes, or on other matters pertaining to such districts should be based on the acreage of agricultural lands or the assessed valuation of such lands within the district; and the number of votes cast by any land-owner should bear some definite relation to the number of acres in his holding or to its assessed valuation. Non-resident land-owners should be entitled to vote.

THE TAXING OF TOWN LOTS AND OTHER URBAN PROPERTY WITHIN THE DISTRICT.

Since incorporated towns or other municipalities within a district would derive substantial benefits from such an organization, it would be just to tax the citizens of a municipality so included their proportionate share of the total cost of construction, but exempt such taxpayers from paying any part of the expense of operation and possibly of maintenance. The basis of such taxation should be the town lot or the assessed valuation of a town lot without its improvements.

REVENUES FOR OPERATION AND MAINTENANCE.

The revenues necessary to defray the expenses of repairs and maintenance should, in my opinion, be derived from every acre of arable lands susceptible of irrigation located within the district. To confine a tax levy for this purpose to those who used the water might impose too heavy burdens on this class. The plan of taxing all alike would have a tendency to hasten the work of clearing, cultivating, and irrigating as well as the subdivision of large holdings.

BOARD OF DIRECTORS.

It provides for more general representation when each district is divided into five subdivisions and a director elected from each. A wise provision in some of our Statutes also provides that the directors shall divide themselves into classes by lot, the term of office of each class to expire at different times.

POWERS OF THE BOARD.

The powers of the Board shall be sufficiently broad to enable it to deal with all matters relating to the management of the district, the construction of new works, or the acquisition of land, works, or water rights by purchase or condemnation. Transactions involving a large outlay of money or a sale of bonds should first be ratified by the taxpayers. The Board should likewise be empowered to deal with drainage, lest the necessity for such should arise in any part of the district. Authority should also be granted the Board to co-operate with the Provincial and Dominion Governments in conducting investigations on the clearing of land, the application of water to crops, and irrigation farming in general.

THE SALE OF BONDS.

One of the main objects of district organization is to dispose of bonds to provide funds for the construction of new works or the purchase of old works, or for both these purposes. If for any reason the bonds cannot be sold, the failure of the district may be looked upon as very likely to follow. If for no other reason, the district Act should be framed to meet this requirement. The approval of the Board of Investigation should tend to inspire confidence in the undertaking on the part of the purchasers of bonds, and if the validity of the district organization could be confirmed by a Superior Court it would give additional assurance to all concerned. As a further aid in disposing of district bonds, the Board of Directors should be given authority to sell bonds below par, at, say, 90 cents on the dollar, and at a reasonably high rate of interest until the construction-work done and the improvements made would create safer security for investors, and warrant charging higher values for the bonds coupled with a lower rate of interest. If deemed advisable, the Act might also allow the exchange of bonds for works built or to be built.

GUARANTEEING THE BONDS.

I am inclined to the belief that much of the present agitation in favour of the creation of irrigation districts in British Columbia has been brought about by the desire to induce the Provincial Government to guarantee the bonds or debentures of such organizations. Perhaps one of the strongest arguments advanced in favour of this course is the fact that some of the water-carrying companies, as well as some of the land and irrigation companies, are running behind, and in time may be unable to furnish water to their customers. In this event innocent parties who have planted orchards or otherwise improved their holdings would suffer great loss. The answer to this argument is that the failure of other private corporations, such as a bank, would likewise inflict heavy losses on innocent parties, and that the Government could not well undertake to guarantee all enterprises in order to ward off financial failures.

In so far as I have been honoured by giving advice to the present Ministry of British Columbia, I have taken the position that the Province at this time should not lend either its money or its credit in aid of irrigation enterprises. Neither space nor time will permit me to give a full expression of my views on this subject, but the following brief summary may convey some idea of what I have in mind:—

The agricultural development of the southern belt of British Columbia is not so much retarded by a lack of available water-supplies as by other causes, such as the slow and costly process of clearing land, the high price of land and water, and the obstacles to be overcome before irrigation farming can be placed on a profitable footing.

If the Province were to undertake to guarantee the bonds of irrigation districts, it would be apt to create an abnormal development in the formation of such districts. The officers of private irrigation companies who see little prospects of profits ahead would be quick to merge their interests in a district. For a like reason, the proprietors of large areas of irrigable lands would regard it as an excellent opportunity to enhance the value of unremunerative holdings by making possible the furnishing of a water-supply and the settlement and improvement of their lands.

Then, too, if the Province guarantees the bonds of one district, it could not well refuse to do so for others, and in course of time the value of such guaranteed bonds would be reckoned in millions of dollars. The failure of one or more of these districts to pay fixed charges and operating expenses would involve the Province and eventually force it to own and operate irrigation systems. At least, this has been true of the State of Victoria, Australia.

Guaranteeing the bonds of irrigation districts would prove detrimental to the large majority of the holders of water rights. According to the provision of the "Water Act," those who own irrigable but non-irrigated land and have a valid right to divert and use water to the extent of their needs are compelled to reclaim such lands within a specified time or forfeit their rights to water. The clearing, planting, and irrigating of a few acres every season on the part of 5,000 holders of water records would provide in the aggregate for the incoming settlers. Only a small part

of individual land-owners possessing water rights could hope to be included in irrigation districts, the balance would be obliged to compete with Government-aided irrigation districts in attracting settlers, selling land, and marketing produce.

Sincerely yours,

SAMUEL FORTIER,

Chief of Irrigation Investigations.

VIEWS OF A CALIFORNIA EXPERT ON SOME OF THE POINTS INVOLVED IN THE PUBLIC IRRIGATION CORPORATION BILL.

(The following is an excerpt from a letter, dated January 23rd, 1913, by Frank Adams, Irrigation Manager, in charge of the work of Irrigation Investigations Branch of the United States Department of Agriculture in the State of California. Mr. Adams has been a close student of the irrigation-district movement in California for many years.)

DEAR SIR,—

Assuming that it is desirable for a report to be made by some State official or officials on the feasibility of all irrigation districts prior to their organization, and that the issuance of bonds shall be conditioned on this report being favourable, then it becomes of importance that the public shall see to it, both in the interest of investors and in the interest of the irrigators within the districts, that the money obtained from bonds for construction purposes shall be honestly and efficiently expended for the exact purposes for which they were issued, and for no other purposes. There is where none of the irrigation-district laws yet adequately meet the requirements, and there can be no question that very grave abuses have resulted, either intentionally or through ignorance, because of this. None of the recent districts organized in California has expended its money any more unwisely than necessary under the existing law, or for other purposes than specified when bonds have been issued, but the same cannot be said of some of the districts organized in some other States in recent years.

SUPERVISION OF CONSTRUCTION NECESSARY.

In one State in particular it is notorious that money derived from bond sales has been expended under the direction of engineers appointed by the promoters rather than by the land-owners within the districts, and that as a consequence works wholly inadequate and very inferior have been built, with the idea that the promoter would get out from under before the crash should come.

If the State insists on supervision of expenditures of receipts from bond issues, protection which the farmers within the district now do not have will be supplied. In addition, honest bond-buyers would be given a protection which they are now wholly unable to get except through engineers employed by themselves. While it is doubtful if any bond-house taking a large issue of irrigation-district bonds would be willing to accept the word of a State official that the money supplied for construction was efficiently and honestly expended, still there is no question that they would feel very much safer, and that possibly, eventually, after our State supervising agencies justify themselves, the bond-houses might be willing to accept their reports without any question whatever.

One thing that a supervising State agency could do would be to point out clearly the extent of work that could be done by any proposed bond issue, making it clear also what could not be done. We have in California now one case where an exceedingly efficiently organized irrigation district has issued bonds to the extent of something over \$25 per acre, which will do no more than bring water to the district lines, making almost an equal additional bond issue necessary to provide distributaries, the latter, however, being planned to reach each farm, which is somewhat unusual. This failure of the original bond issue to complete the system has not been due to poor engineering, but to the poor financial methods necessary under the California law, which prohibits irrigation-district bonds from being sold for less than par or from carrying a greater rate of interest than 5 per cent.

SALE OF BONDS.

About a year ago I talked with a number of the principal irrigation-district bond-buyers in Chicago and Denver, and they were unanimously of the opinion that the sale of bonds should be permitted as low as 90 or 95.

In other words, the bond-buyers believed that irrigation-district bonds should be put on the same basis as all other bonds commonly on the market; that is, that they should bear the usual rate of interest for such securities and be sold for whatever could be got for them in the market, with possibly the exception that it might be unwise to permit their sale below, say, 85 or 90, on account of causing too great a burden to the irrigators in districts. It seems to me that this contention is exceedingly sound.

BOUNDARIES OF DISTRICTS.

In your letter you take up a number of other subjects than that of the Commission to supervise new districts.

Regarding the geographical boundaries of districts, I would say that it seems to me eminently practicable to make it possible to organize by eliminating some areas within its outside boundaries, because otherwise minorities might be permitted to block a very worthy move. This can, however, be carried too far, as was recently proposed, for instance, by some rather visionary farmers in San Joaquin Valley. These farmers planned to include large areas of land that it was not economical to include, because the owners of that land were friendly to a district and could be counted on to unite against other owners who were known to be opposed to one.

INCLUDING COMPANY PROJECTS.

Regarding whether an irrigation district is suitable in a territory where there are already large company projects, I should say that the question would have to be decided in each case with particular reference to local conditions. There is no reason why company projects and irrigation districts should not operate side by side if any conflicting interests could be cared for.

Very much the better situation for districts, however, is a compact body of land within which there will remain no company projects, because farmers in irrigation districts are not always in as good a position to defend themselves or to prevent others from overriding them as are strong commercial projects. Irrigation districts are apt to act too slowly and might wait too long to thoroughly safeguard their interests.

STATE LAWS.

I believe that the California law has been given more careful thought by men experienced in irrigation-district affairs than any of the other laws. It is certain that California has the largest irrigation-district experience to be found in the West, possibly excepting the experience of the last ten years in Colorado. The latter experience, however, if my information is correct, is not safe to follow, except as it shows additional safeguards to be necessary.

SHOULD TOWN PROPERTY BE TAXED.

You ask about whether district taxes should be imposed on improved property, including possibly townsites. The practice is, as you will find from reading the various laws, that lands only, and not improvements, shall be taxed. The California provision really leaves the matter of assessment for maintenance and operation purposes to be equalized by the District Assessors. I do not know how much leeway Assessors would have in British Columbia, but here the practice is to treat each man fairly. Making assessments according to the California system seems to me to allow a little more elasticity than the Idaho plan, although I am not sufficiently familiar with the workings of the Idaho law to be sure of this. I hardly like the idea of taxing the same rate per acre, as is done in some States, but further investigation may lead me to believe this has advantages which I do not now see.

Yours truly,

FRANK ADAMS,
Irrigation Manager.

SCHEDULE OF DATES IN PUBLIC IRRIGATION CORPORATION BILL.

(Also compare California "Irrigation Act, 1897," Sections 3638.)	Date or Approximate Date.	Corresponding Sections of Revised Bill.	Corresponding Sections of Original Bill.	Corresponding Sections of Municipal or Municipal Elections Acts.
Preparation for annual election of officers by by-law on or before	Feb. 5	22	23	23, M. E.
Nominations of officers, first Monday in March	March 1-7	21 (1) (a)	25 (1)	22, M. E.
Polling for officers, Thursday following nominations	March 4-11	21 (1) (b)	25 (2)	22, M. E.
Assessor completes collection of data for assessment roll on or before	June 1	91 (2)	....	....
Assessor returns roll within thirty days, about	July 1	91 (4)	86, 87	242, M.
Notices mailed to ratepayers (of assessment and hearing by Court of Revision)	July 1-20	95 (2)	93 (2)	245 (2), M.
Advertisement of hearing of Trustees as Court of Revision (must be thirty days before hearing), about	July 20	95 (4)	93 (4)	245 (2), M.
Objections filed in writing (must be ten days before hearing), about	Aug. 10	95 (5) (a)	93 (5) (a)	246, M.
Hearing of Court of Revision commences (must be twenty to forty days from mailing notices), about	Aug. 20	95 (6)	93 (3)	253, M.
Appeal from decision of Court—				
Notice of, within one week	....	96 (c)	94	258, M.
Board to hear and determine appeal in two months	....	96 (b) (c)	....	258, M.
Appeal to Supreme Court as in "Municipal Act" ..	....	96 (f)	....	258, M.
By-law for rate by Trustees ..	....	98	90	262, M.
Taxes due, payable, and delinquent as follows:—				
Considered due and imposed as from January 1st of current year .....	....	103 (1)	98	265, M.
Payable according to by-law .....	....	98	90	232, M.
Bear interest after December 31st of current year ..	....	103 (2)	107	277, M.
Delinquent December 31st of following year .....	....	103 (3)	....	278, M.
Notice of delinquency on or before March 1st, of same	....	103 (5)	....	278 (3), M.
Collector's roll prepared under Trustees' direction .....	....	90 (1)	100	266, M.
Tax bills mailed .....	....	100 (1)	102	268, M.
Collector proceeds to collect ..	....	101 (1)	101	267, M.
Collector returns roll on or before	Jan. 3	101 (4)	103	269, M.
Financial statement and annual report of Trustees, on or before	Feb. 1	54 (3)	31 (2)	417, M.

REFERENCES TO SIMILAR PROVISIONS IN OTHER ACTS.

(The following references are given for the convenience of those who desire to compare the provisions of the Bill with similar provisions in other Acts of this Province and of other countries. References are also given to the corresponding sections of the Public Irrigation Corporation Bill which was introduced at the last session of the Provincial Parliament.)

The following abbreviations are used:—

- M.E.—Municipal Elections Act of British Columbia.
- M.—Municipal Act of British Columbia.
- M.Inc.—Municipalities Incorporation Act of British Columbia.
- W.A.—Water Act of British Columbia.
- D.D. & I.—Drainage, Dyking, and Irrigation Act of British Columbia.
- Ont.M.—Ontario Consolidated Municipal Act, 1903.
- Ont.M.S.—Ontario Municipal Securities Act, 1908.
- W.A.Vic.Aus.—Water Act of Victoria, Australia, 1905.
- L.G.Vic.Aus.—Local Government Act of Victoria, Australia, 1903.
- U. of S.Af.—Union of South Africa Water Act, 1912.
- Cal.I.—California Irrigation Act, 1897 (commonly known as the "Wright Act").
- Cal.D.—California Drainage Act, 1907.
- Cal.Sts.—California Statutes.
- Bill 63.—Bill on Public Irrigation Corporations, January, 1913.

Sections of Revised Bill.	Corresponding Sections of B.C. Acts.	Corresponding Sections of Acts of other Countries.	Corresponding Sections of Bill 63.
2 (def. of "Statutory declaration")	M.E. 8 (d)		
2 (def. of "Owner")		U. of S.Af. 2	
3		U. of S.Af. 80	
4 (1)	M.Inc. 4	U. of S.Af. 81-83; W.A. Vic.Aus. 83	19
4 (2)		U. of S.Af. 81; W.A.Vic.Aus. 84	
4 (3)		W.A.Vic.Aus. 88	20
4 (4)		W.A.Vic.Aus. 87	20 (2)
5	W.A. 310		5 (b)
6 (2) and (3)	D.D. & I. 5, 3	U. of S.Af. 80	3
6 (4)	D.D. & I. 4	U. of S.Af. 80 (1)	4
6 (4) (f)	M. 420	Cal.I. 2	
6 (4) (g)	M. 420	Cal.I. 2	
7		U. of S.Af. 80	6
8		U. of S.Af. 80 (4)	7
10 (a)		U. of S.Af. 80 (3)	8
10 (b)		U. of S.Af. 80 (3)	9
11			9, 10
12		U. of S.Af. 80 (4)	11
13		Cal.I. 6	12, 13, 15
14		Cal.I. 6	14, 16, 18
15		U. of S.Af. 80 (4); Cal. I. 9	17
16 (2)	D.D. & I. 23, 24	Cal.I. 7, 19, 27	
16 (5)	D.D. & I. 24		
17 (1)	M.E. 4, 6, 12		21
17 (2) (a)	M.E. 12 (1)	L.G.Vic.Aus. 74	21 (3)
17 (2) (b)		U. of S.Af. 2, 85 (b), 80 (1), (4)	
17 (2) (c)	D.D. & I. 7		
17 (2) (d) (1)	D.D. & I. 8		
17 (2) (d) (2)	M.E. 12 (2)	U. of S.Af. 85 (b), 53 (3) (b)	

REFERENCES—Continued.

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17 (2) (c)		U. of S.M. 531 (3) (c); Cal.Ste.Cap. 387, p. 19	
18.....		Cal.Ste.Cap. 387, p. 19	
19.....		U. of S.M. 531, 85 (2); L.G.Vic.Aus. 71; W.A. Vic.Aus. 96	
21 (1)	M.E. 22		
21 (3) (a)	M. 197		
22.....	M.E. 23		
22 (2)	M.E. 35 and 36; M. 196		
23.....		L.G.Vic.Aus. 78	
24 (1)	M.E. 8	L.G.Vic.Aus. 78	
25 (1)	M.E. 19		
25 (2)	M. 252	L.G.Vic.Aus. 92, 95	
25 (3)	M.E. 21	L.G.Vic.Aus. 97	
25 (4)		L.G.Vic.Aus. 96	
26 (2)	M.E. 53 (1)		
26 (3)	M.E. 54		
26 (4)	M.E. 53 (2)		
27.....	M.E. 24		
28.....	M.E. 50; M. 190		
31 (1)	M. 17		
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31 (2) (b)	M. 21		
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45.....		W.A.Vic.Aus. 114	
46 (1)		W.A.Vic.Aus. 116; U. of S.M. 60 (2)	
48.....		W.A.Vic.Aus. 102	
49 (1)	M. 24		
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50 (b)	M. 53 (22) and (166)		
50 (c)	M. 53 (23)		
50 (d)	M. 53 (28)		
50 (e)		Cal.D. 1 and 2	
50 (g) (i)	D.D. & I. 69; M. 53 (27) (f) and 82 (2)		58
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50 (g) (iii)	M. 53 (27-c) and (169)		
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50 (proviso)	M. 53 (30)		
50 (h)	M. 53 (27) (c) ..	W.A.Vic.Aus. 299	
50 (i)		W.A.Vic.Aus. 394	
50 (j)	M. 53 (2)		
50 (k)	M. 53 (3)		

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50 (f)	M. 53 (5) and 53 (28) (9)		
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50 (g)		V. of S.M. 80	
50 (g)		W.A.Vic.Aus. 393	
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81 (2)		Ont. M. 8, s. 142	
81 (3)		Ont. M. 8, s. 143	
81 (4)		Ont. M. 8, s. 144	
81 (5)		Ont. M. 8, s. 145	
82 (1)		Ont. M. 8, s. 146	
82 (2)		Ont. M. 8, s. 147	
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BILL.

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[1914.

An Act respecting Public Irrigation Corporations.

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HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia,
enacts as follows:

Short Title.

1. This Act may be cited as the "Public Irrigation Corporation Act."

Interpretation.

2. In the construction of this Act the following expressions shall, as the context may require, have the following meanings, respectively:—

"Petition"	"Petition" means and shall include a petition for the creation of a public irrigation corporation under this Act;
"Corporation"	"Corporation" means and shall include any public irrigation corporation created under this Act;
"Trustees"	"Trustees" means and shall include the Trustees of any public irrigation corporation;
"Territorial limits"	"Territorial limits" means and shall include, as to existing corporations, the area of land included within the territorial limits as described in the letters patent creating the corporation or in the further letters patent relating thereto; and as to proposed corporations the area of land proposed to be included within the said limits;

- "System" means and shall include the works, lands, rights-of-way, and other property acquired or to be acquired for storing (if storage is contemplated), for carrying, and for distributing within reach of each twenty-acre tract within the territorial limits the water which is or may be necessary for satisfactory and economical use for irrigation or irrigation and domestic purposes upon the lands within the said limits:
- "Project" means and shall include the system and the general scheme for the acquirement, maintenance, and the operation thereof:
- "Department" means and shall include the Department of Lands of the Provincial Government:
- "Minister" means the Minister of Lands of the Provincial Government, and shall include any person for the time being lawfully acting in that capacity:
- "Comptroller" means the Comptroller of Water Rights, and shall include any person for the time being lawfully acting in that capacity:
- "Board" means the Board of Investigation, being a tribunal constituted under the "Water Act":
- "First election" means and shall include the election upon the question whether or not the corporation shall be created, and who, if the corporation is created, shall be the first Trustees thereof:
- "Annual election" means any regular election held at the time and for the purpose specified in section 21 of this Act:
- "Statutory declaration" means a declaration made and subscribed before a Supreme or County Court Judge, Stipendiary or Police Magistrate, Commissioners for taking Affidavits in the Supreme Court, Justice of the Peace, or Notary Public:
- "Improvements" means and shall include trees, vines, growing crops, standing timber, fences, buildings, fixtures, and other structures of whatever class or description erected or being erected:
- "Irrigable and cultivable lands" means and shall include lands which are capable of being supplied by gravitation with water from the system, and which are not more than one-half mile distant from some acting distributary thereof, and which are cleared of timber-growth, and shall not include such particular parts thereof as are occupied by improvements:
- "Local newspaper" means a newspaper published and circulating within the territorial limits, or one published in the Province and circulating within the said limits:
- "Owner" in relation to any land within the territorial limits means the Crown, the Government of the Dominion of

Canada, the Government of the Province of British Columbia, or the person for the time being registered in the register of indefeasible or absolute fees as the owner; and shall include—

(a.) Any pre-emptor, homesteader, or other person lawfully occupying or holding land in accordance with the provisions of any law empowering the Government to allot lands upon the promise of title subject to the fulfilment by the allottee of prescribed conditions; and

(b.) The legal representative of an owner (as herein defined) who has died, become insolvent, is a minor, is of unsound mind, or is otherwise under disability and the liquidator of a company owning land:

"Elector."

"Elector" with reference to any public irrigation corporation shall mean and include any person who under section 17 is entitled to be represented in the voting at any election held under this Act within the territorial limits of the said corporation.

Any other words used in this Act which have an interpretation given them by section 2 of the "Water Act" shall have the same meaning in this Act.

Purpose of Incorporation.

For joint ownership and control of water system.

3. When ten or more owners of land in any locality in the Province where the lands can be irrigated advantageously from a common source or sources of supply and through a common system or systems desire to co-operate in acquiring, constructing, maintaining, and (or) operating works for the storage, carriage, and (or) distribution of water which is to be used for irrigation or for irrigation and domestic purposes on the said lands, they may petition the Lieutenant-Governor in Council for incorporation under this Act as hereinafter provided.

Creation of Corporation.

Lieut. Governor in Council may authorize creation.

4. (1.) Upon the filing of the said petition, upon an investigation and report by the Board and the approval thereof by the Minister recommending the establishment of the said corporation and setting out the lands to be included within its territorial limits, and upon an election having been held and carried for the establishment of the said corporation within the said limits, all as hereinafter provided, the Lieutenant-Governor in Council may, by Order in Council, authorize the creation of the said corporation in and for the said limits, and may by letters patent under the Great Seal create the Trustees elected pursuant to section 13 of this Act and their successors in office (elected as in this Act provided) a body corporate by the name of "The [*designating the name*] Public Irrigation Corporation," to govern, exercise, and carry out the provisions of this Act.

(2.) The said letters patent shall set out—

Letters patent,
contents.

- (a.) The name of the corporate body;
- (b.) The territorial limits of the corporation established;
- (c.) The number of the Trustees of the corporate body;
- (d.) The day on which the Trustees shall first meet;
- (e.) Such other provisions as may be necessary for the establishment of the corporation and the creation of the corporate body.

(3.) All letters patent for the purposes aforesaid shall, as soon as conveniently may be after the making thereof, be published in at least one issue of the Gazette and at least once a week for two weeks in a local newspaper. Same, publication.

(4.) The Lieutenant-Governor in Council may from time to time, after any public irrigation corporation has been duly created, make additional Orders in Council not inconsistent with the provisions of this Act; and may, in any such Order,— Additional Orders
in Council.

- (a.) Make any order which might have been made in the original Order in Council creating such public irrigation corporation;
- (b.) Alter the corporate name of such public irrigation corporation;
- (c.) Repeal any of the provisions of any previous Order in Council relating to such public irrigation corporation.

Proceedings to obtain Incorporation.

5. Upon the presentation of a memorial to the Minister by two or more land-owners stating that they intend to circulate a petition for incorporation under this Act, and upon the accompaniment of the said memorial by the data required in subdivisions (a), (b), (d), and (e) of subsection (4) of section 6 hereof, or upon the filing of such petition, the Minister may, pending the organization of the proposed corporation, by notice published in the Gazette, reserve from the unrecorded water of any stream proposed to be affected by the said corporation such quantity of water as may in his opinion be sufficient for the needs of the same, and for such length of time as may be reasonable: Provided that the said reserve shall be subject to the same conditions and requirements as a reserve made under section 316 of the "Water Act." Reserve of waters
by Minister.

6. (1.) Such petition shall be as near as may be in the form of Form 1 of the Schedule of this Act, and shall be addressed to the Lieutenant-Governor in Council and filed with the Comptroller. Petition, form and
procedure.

(2.) Those owners, occupiers, holders, and others who, under section 17 of this Act, in voting upon the creation of the proposed corporation, would be entitled to represent any of the lands within the proposed territorial limits shall be entitled to sign such petition, representing respectively those of the said lands which are owned, occupied, held, or represented by them. Qualifications
of signers.

Signatures required	(13.) Such petition shall be signed by as many of the said owners, occupiers, holders, and others as will represent more than one-half in value of the said lands. The assessment roll or rolls in force at the time of the filing of the said petition shall be followed as nearly as may be in determining the value of the said lands.
Contents of petition	(14.) Such petition shall contain or be accompanied by the following information, requirements, and statistics: (a.) The name of the proposed corporation; (b.) A statement, accompanied by a sketch plan or plans, showing approximately the territorial limits of the proposed corporation, the lands to be supplied with water, and the river, creek, lake, reservoir, stream, or other sources from which the water is to be diverted;
Statement and plan showing lands to be included, etc.	(c.) A certificate from the Provincial or Municipal Assessor, as the case may be, giving the names of the owners and the assessed value of each parcel of land, exclusive of improvements, in the territorial limits of the proposed corporation;
Ownership and location of lands	(d.) A list of the irrigation and water supply systems which it is proposed to acquire and construct;
Details of irrigation system	(e.) Any further information bearing on the advisability of the setting apart of the area within the said limits as a public irrigation corporation;
Further information	(f.) Such cash deposit as the Minister may require to cover the probable cost of organizing the proposed corporation (exclusive of investigations by officers of the Department), or a good and sufficient undertaking to be approved by the Minister in double the probable amount of the said cost, conditional that the sureties shall pay all the said cost in case the said organization shall not be effected;
Cash deposit	(g.) The names and addresses of five persons who will act as a committee to represent the petitioners in all matters relating to the petition, and to any one of whom any unused surplus from the deposit (if any) made under the last preceding subsection may be returned;
Names of committee	(h.) A request for the creation of the corporation; (i.) A solemn declaration by some person or persons verifying every signature to such petition.
Request for corporation	2. The Comptroller shall, forthwith after the filing of such petition, prepare and forward to the Minister a memorandum thereon, which shall give or have attached to it the following data:— (a.) A statement that the petition has or has not been signed as required by section 6 of this Act;
Comptroller prepares memorandum	(b.) A list of the records, licences, permits, and pending applications for irrigation purposes which appear from the books in the Department to be appurtenant to the lands in the proposed territorial limits, with the names of the streams from which the water is diverted or is to be diverted under the said licences;
Re: signatures to petition	
Re: irrigation records, licences, etc.	

- (c.) A list of all records, licences, permits, and pending applications for other than irrigation purposes concerning the diversion of water for any purpose from any of the streams affected or likely to be affected by the establishment of the system of the proposed corporation: Re all other water records, licences, et
- (d.) A copy of the water-rights map relating to the proposed territorial limits if any such map has been prepared, or an estimate of the cost of the completion of such a map if none has been prepared: Re water rights map
- (e.) A statement that the proposed territorial limits and lands to be included therein have been compared with the maps of the Department, and as to whether all the irrigable lands that are susceptible of irrigation from the same system are included within the said limits: Re boundaries
- (f.) Any further information bearing on the project which the Comptroller deems should be presented to the Minister: Re any further information necessary

8. Upon receiving the memorandum, the Minister may take into consideration the petition, the memorandum of the Comptroller, the appropriation available, the public interest, and any other facts relevant to the inquiry, and may determine whether or not the Board shall proceed with the preparation of a report on the feasibility, practicability, and probable cost of the proposed system, and may appoint such persons as may be necessary to assist the Board in the preparation of the said report, and, if he deems it advisable, may appoint an engineer who has had wide experience in irrigation matters to conduct the engineering investigations. Minister decides re preliminary surveys

9. The said report of the Board has been directed to proceed therewith shall contain information on the following matters: Nature of Board's report

- a.) The lands, which, in the opinion of the Board, should be included within the territorial limits, giving due regard to the necessity of including all lands within the proposed limits which are susceptible of irrigation by the same system: Boundaries
- b.) The supply of water available for the whole project and the probable amount of water which will be available for the irrigation of each acre of land within the said limits: Water supply
- c.) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation, and the probable need of drainage: Soil
- d.) The value, exclusive of improvements, according, as nearly as may be, to the last revised Provincial or municipal assessment roll or rolls, of all the irrigable and non-irrigable lands respectively within the said limits; the probable effect of irrigation upon the productiveness and value of the lands to be brought under irrigation; and the probable ability of the district to meet the obligations necessary to be incurred to carry out the project. If lands Value of lands to be irrigated

the fee of which is vested in the Crown in the right of either the Dominion or the Province are to be included within the said limits, the Board shall evaluate and report upon the said lands separately:

Works and property required.

(c.) A statement of the general character and extent of the system which appears to the Board to be necessary for bringing a satisfactory water-supply to the lands within the territorial limits, including the dams, reservoirs, head-works, main canals or conduits, distributary laterals to reach each twenty-acre tract of irrigable land, other principal works, lands, rights-of-way, and other property to be constructed, purchased, expropriated, or otherwise acquired; and a statement of what lands appear to be irrigable under the said system:

Estimated total cost and estimated per acre cost.

(f.) An estimate of the probable total cost of the system (including the probable expenses to be incurred by the Board and the Minister in connection with the project), together with an estimate of the principal items as enumerated in the last preceding subsection entering into the said cost; and an estimate of the average amount of the said total cost to be borne by each acre of irrigable land within the territorial limits: Provided that the said estimates need not be detailed estimates, nor be accompanied by detailed plans, but shall be such estimates merely as will be sufficient to demonstrate the feasibility, practicability, and probable cost of the project:

Debt required.

(g.) A statement of the indebtedness which, in the opinion of the Board, it would be necessary for the corporation to incur in carrying out the project, together with a statement of the general feasibility of incurring such indebtedness at the time proposed:

Project re-assessments.

(h.) The total amount and the amount per acre which would be required to be raised annually for paying the said indebtedness and interest thereon for the period of years over which it is calculated that it will extend:

Owners' prices of works.

(i.) The names of the owners of existing water-supply systems who have agreed to accept a price for their works, the price agreed, and the names of owners who have refused or neglected to set a price on their works:

Other relevant facts.

(j.) Any other facts which the Board deems essential to the proper outlining of the project:

Board may recommend establishment.

(k.) Whether or not the Board recommends the establishment of the corporation; and if it does, then a further recommendation as to—

(i.) What the number of the Trustees of the corporation should be:

(ii.) What would constitute suitable election precincts and polling places within the territorial limits:

(iii.) What should be the maximum amount of the liabilities which the Trustees may incur in the organization of the corporation.

10. On the completion of the said report the Board shall arrange—

- (a.) That a copy thereof, together with any maps, plans, or exhibits accompanying the same, be open to public inspection in the office of the Board and in one or more places within or near the proposed territorial limits for a period of not less than two weeks: Public inspection of report.
- (b.) That, subsequent to the said period of inspection, a public hearing be held within or near the territorial limits upon the petition, the report of the Board, and any objections to the proposed incorporation which shall have been filed in writing as the Board may have directed: Public hearing of petition, report, and objections.
- (c.) That a notice be published once a week for two weeks in a local newspaper and in one issue of the Gazette and in such other ways as are deemed necessary of the times when and places where the public inspection and the hearing mentioned in the last preceding subsection will respectively be held, and of the time when and place where objections may be filed. Advertisement of time and place of hearings.

11. At the time and place so set the Board or any member thereof shall hear the petition and any objections thereto or to the report of the Board which have been filed in writing as aforesaid, and may adjourn the hearing as may be necessary. As soon as may be after holding the said hearing, the Board shall amend its report in any particular that it deems expedient, and shall file the same with the Minister. Hearing of petition and objections.

12. The Minister, upon receiving the report of the Board, may either approve or disapprove, or direct the Board to amend, and may approve it as amended. Minister approves or disapproves.

13. If the Minister approves the said report or the said report as amended, he shall arrange for the holding of an election (to be known as the "first election") within the territorial limits (as the said limits are set out in the said report as approved) to determine, first, as to whether the said report shall be adopted and the corporation shall be established within and for the said limits; and, second, as to who, if the said corporation is established, shall be the first Trustees and other officers thereof; and he shall particularly do or cause to be done the following things:— Minister arranges for election on establishment of corporation and election of first Trustees.

- (a.) Name a day for the polling: Time for polling.
- (b.) Establish suitable election precincts and polling-places for the said election: Precincts and polling-places.
- (c.) Name a day and a place respectively for holding the nominations of Trustees and other officers and for the meeting of the Court for the Correction of Voters' Lists: Time and place of nominations and Court for Correction of Voters' Lists.

Provided that the day of nominations shall not be less than three nor more than five days prior to the day of the said polling, and that the day of the meeting of the said Court shall not be less than five nor more than seven days prior to the day of nominations:

Names of Returning Officer and deputies and Court for Correction of Voters' Lists.

(d.) Appoint a person to act as Returning Officer for the said election, as many other persons as may be necessary to act as Deputy Returning Officers, and five persons to act as a Court for the Correction of Voters' Lists:

Compensation of election officers.

(e.) Fix the compensation of the Returning Officer and Deputy Returning Officers. The compensation so fixed shall be a proper charge against the fund mentioned in subdivision (f) of subsection (4) of section 6:

Publication of notice.

(f.) Cause notice of the time of said polling, the location of said precincts and polling-places, the day and place respectively of holding the said nominations and the said Court, and the names of the persons who are to act respectively as the said Returning Officer, Deputy Returning Officers, and Court for the Correction of Voters' Lists to be published once a week for two successive weeks in a local newspaper; the first publication of the said notice to appear at least thirty days prior to the date set for the said polling, and the expense of the said publication to be charged against the fund mentioned in the last preceding subsection:

Direction to Assessor or Clerk to prepare statement.

(g.) Request the Assessor of any assessment district or the Clerk of any municipality in which any part of the lands within the proposed territorial limits are situated to proceed with the preparation of the statement required under section 23 of this Act.

Conduct of first election.

14. The qualification of voters, the number of votes each voter is entitled to cast, the duties of the Returning Officers and the Court for the Correction of Voters' Lists, and the general conduct of the said election shall be as provided in sections 17 to 38 of this Act and in the sections of the "Municipal Elections Act" thereby incorporated.

Votes necessary to elect.

15. To carry the question as to whether the proposed public irrigation corporation shall be created sixty per cent. of the votes validly cast at the said election shall be necessary.

Officers.

Elective and appointive officers.

16. (1.) The officers of the corporation shall be the Trustees, the Assessor, the Collector, the Treasurer, and the Secretary of the Trustees.

(2.) The Trustees and the Assessor shall, save in those special cases which are otherwise provided for in this Act, be elected by the electors of the corporation at the first election and at each annual election in the manner hereinafter specified.

(3.) The persons to act as Collector, Treasurer, and Secretary of the Trustees respectively shall be appointed by the Trustees, and any two or all of the said offices may be held by one person, and any Trustee may be appointed to either of these offices or to any two or to all of them.

(4.) The terms of office of the said officers, their qualifications, duties, powers, and other matters respecting the same, shall be as hereinafter provided.

(5.) Any Trustee, Assessor, Collector, Treasurer, or Secretary of the Trustees or any employee or agent of the Trustees shall be a competent and compellable witness to prove any fact or facts connected with the duties of his office.

Trustee, etc., to be competent witness.

Electors and Elections.

17. (1.) No Chinese, Japanese, or other Asiatics or Indians shall be entitled to vote at any election held under this Act.

Qualification of voters.

(2.) Excepting as above, the persons entitled to vote at any such election and entitled to have their names entered on the voters' list, and the lands which they respectively shall be entitled to represent in the said voting, shall be as follows: Any male or female, a resident of this Province, and of the full age of twenty-one years, who, in respect of any of the lands within the territorial limits, is—

- (a.) Either registered owner in the book of indefeasible or absolute fees, or purchaser under a registered agreement for purchase and sale (and for the purposes of this Act any person who shall have applied to register his title as owner or his agreement for purchase and sale shall be deemed to be registered); or pre-emptor, or homesteader, or applicant for purchase; and who, as such, at the date of the first publication or posting of the notice fixing the time and place of the said election, is in or entitled to the actual possession of the said lands; and who, as to the first election, is on the provincial or municipal assessment roll in force at the said date, and, as to subsequent elections, is on the assessment roll prepared pursuant to this Act and in force at the said date, and whose assessment according to the said roll or rolls in respect of the said land (exclusive of improvements) is not less than one hundred dollars:

Provided that where two or more persons are jointly in or entitled to possession as aforesaid of any part or parcel of the said lands, and the said part or parcel is assessed (exclusive of improvements) at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be entitled to have his or her name entered on the said voters' list and to vote in respect of his share of the ownership or occupancy of the said part or parcel; otherwise only such and so many of them shall be

Joint owners or occupants.

so entitled as are delegated in writing by the said joint owners or occupiers, and as, were the said amount equally divided between them, would give each an assessment of over one hundred dollars:

As to persons entitled to possession, but not on existing assessment roll.

Provided further that if the name of any person in or entitled to such actual possession and otherwise entitled to vote shall not be on the then existing assessment roll at the date of the first publication of the said notice, such person shall be entitled to have his name included in the voters' list on filing a statutory declaration with the duly qualified Returning Officer if the voting is on the establishment of the corporation, but otherwise at the office of the said corporation, at least one week before the date fixed for the said election:

The Government of Canada may be represented in the voting as to certain lands.

- (b.) The representative of the Government of Canada duly delegated under special power of attorney from such Minister or other officer of the said Government as is or may be properly empowered to delegate such authority—to vote in respect of any of the said lands the fee of which at the said date is vested in the Crown in the right of Canada, or which are included within any Indian reserves:

Provided that the said Government or properly empowered officer thereof has assented to the inclusion of the said Crown lands within the territorial limits, and to the payment of such pro rata part of the cost of the water-supply system and of the maintenance and operation thereof as the value of the said Crown lands (exclusive of improvements) bears to the value of all the lands (exclusive of improvements) within the territorial limits, and has otherwise assented to the operation of this Act according to its meaning, intent, spirit, and purpose to the inclusion of the said lands within the said limits:

Minister of Lands may be represented in the voting as to certain lands.

- (c.) The representative duly delegated under special power of attorney from the Minister—to vote in respect of any of the lands within the territorial limits (save and except lands which are entitled to be represented in the said voting by any of the persons mentioned in subsection (a) of this section) the fee of which at the said date is vested in the Crown in the right of the Province:

Provided that the Lieutenant-Governor in Council, by Order in Council, has assented to the inclusion of the said Crown lands within the territorial limits, and to the payment out of the Provincial Treasury of such pro rata part of the cost of the water-supply system and of the maintenance and operation thereof as the value of the said Crown lands (exclusive of improvements) bears to the value of all the lands (exclusive of improvements) within the territorial limits:

(d.) The representative duly delegated by writing under its common seal from—

(i.) Any municipal corporation, School Board, or other public corporation—to vote in respect of such of the said lands as are owned, occupied, or held by the said municipal corporation, School Board, or other public corporation respectively according to the terms of subsection (a) of this section:

Vote by representative for public corporations.

(ii.) Any other corporate body which has the qualifications required in subsection (a) of this section—to vote in respect of such of the said lands as are owned, occupied, or held by it in accordance with the terms of the said subsection:

For other corporations.

(c.) The representative duly delegated by written proxy from any person who has the qualifications required in subsection (a) of this section, and who from any cause such as absence, sickness, or other disability is unable to attend the election—to vote in respect of such of the said lands as the said person would be entitled to represent at the said election and as are specified in the said proxy: which is to be duly acknowledged before some person authorized to take certified acknowledgments of conveyances of real property.

Vote by proxy.

18. Every power of attorney, writing under seal, or proxy given under the last preceding section shall specify the election for which it is given, and shall be used only at such election, and shall be revocable at the pleasure of the person or authority granting it.

Proxies limited to one election and revocable.

19. Every person entitled to vote at any nomination or polling held under this Act shall have the right to cast one or more votes according to the value (exclusive of improvements) of the lands within the territorial limits which the said person is entitled to represent at the said election, and according to the following scale:—

Voting power.

- If valued at one hundred dollars or more but less than five hundred dollars, one vote;
- If valued at five hundred dollars or more but less than one thousand two hundred and fifty dollars, two votes;
- If valued at one thousand two hundred and fifty dollars or more but less than two thousand five hundred dollars, three votes;
- If valued at two thousand five hundred dollars or more but less than four thousand five hundred dollars, four votes;
- If valued at four thousand five hundred dollars or more but less than seven thousand five hundred dollars, five votes;
- If valued at seven thousand five hundred dollars or more but less than twelve thousand dollars, six votes;
- If valued at twelve thousand dollars or more but less than twenty thousand dollars, seven votes;

If valued at twenty thousand dollars or more but less than thirty-two thousand five hundred dollars, eight votes;

If valued at thirty-two thousand five hundred dollars or more but less than fifty thousand dollars, nine votes;

If valued at fifty thousand dollars, ten votes; and if valued at more than fifty thousand dollars, ten votes, plus one additional vote for each twenty thousand dollars of the said valuation in excess of fifty thousand dollars.

Assessment rolls to be followed in determining value.

20. In determining the value of any lands for the purposes of the last preceding section, the assessment roll or rolls mentioned in subsection (a) of section 17 shall be followed: Provided, as to the first election, the valuation made by the Board under subsection (d) of section 9 may be taken as the value of any lands the fee of which is vested in the Crown: Provided further that where, under the authority hereinafter conferred, the Assessor of any public irrigation corporation classifies the lands within the territorial limits according to the benefits received by the respective owners thereof from the establishment of the system, and assesses the lands in the various classes at certain percentages of their actual cash value according to the said benefits, the said percentages of the said cash value shall be taken as the value of the said lands for the purposes of the last preceding section.

Annual elections.

21. (1.) Annual elections (which shall include nominations and polling, if any) for Trustees and other officers of the corporation, to fill the vacancies then respectively occurring, shall, after the first election be held as follows:—

Nominations.

(a.) Nominations on the first Monday in March of the calendar year next following the date of the incorporation and of each year thereafter, and between the hours specified in subsection (3) of this section:

Polling.

(b.) The polling (if any) on the Thursday following the day of the nominations.

Court for Correction of Voters' Lists.

(2.) A Court for the Correction of Voters' Lists shall be held in the manner hereinafter specified on the Monday immediately preceding the day of nominations.

Hour of opening and closing polls, nominations, and Courts for Correction of Voters' Lists at all elections.

(3.) In respect of every election held under this Act,—

(a.) The polls shall be kept open on the day named during such hours as the Trustees may by by-law provide (or, as to the first election, as the Minister may direct): Provided that, at any rate, they shall be kept open during the hours between half-past eleven o'clock a.m. and half-past six o'clock p.m. of the day named:

(b.) Nominations shall be held from twelve o'clock noon to two o'clock p.m. of the day named:

(c.) Courts for the Correction of Voters' Lists shall commence their hearings at two o'clock p.m. of the day named, and adjourn from time to time as may be necessary.

22. (1.) The Trustees shall, on or before the fifth day of February of the calendar year next following the date of incorporation and of each year thereafter, by by-law or resolution provide for and do the following things:—

Preparation for annual elections

- (a.) Appoint the place or places for holding, respectively, the coming nominations and Court for the Correction of Voters' Lists;
- (b.) Make any revision in the boundaries of polling precincts which may in the opinion of the Board seem necessary, and establish suitable polling places for the coming election;
- (c.) Appoint a person to act as Returning Officer and as many others as may be necessary to act as Deputy Returning Officers;
- (d.) Fix the compensation of the said Returning Officer and deputies;
- (e.) Otherwise arrange for the holding of the coming election.

(2.) The Trustees shall, before every annual election, cause a notice to be published at least once a week for two successive weeks in a local newspaper and a similar notice to be posted in three of the most conspicuous places within the territorial limits, the first publication and posting to appear at least two weeks prior to the date of the polling at such election, giving—

Notice of annual election

- (a.) The time and place or places of holding the Court for the Correction of Voters' Lists, the nominations, and the polling respectively;
- (b.) The names of the persons who are to act as Returning Officers and Deputy Returning Officers respectively.

23. In order to enable the duly appointed Returning Officers to make out a proper voters' list, first, as to the first election, the Assessor of any assessment district or the Clerk of any municipality in which any part of the lands within the territorial limits are situated, upon being requested so to do by the Minister, shall forthwith proceed to prepare a statement; or, second, as to any election after the first, the Trustees of the corporation shall, on or before the fifth day of February of the calendar year next following the date of incorporation and of each year thereafter, issue a statement; the said statement in either case showing—

Assessor of assessment district or Clerk of municipality or Trustees to prepare statement showing

- (a.) The names of all persons who, at the date referred to in subsection (a) of section 17 hereof, were the assessed owners or occupants of any lands within the territorial limits, according to the then existing Provincial, municipal, or corporation assessment roll, as the case might be;
- (b.) The status of the ownership or the occupancy, at the said date, of each of the said persons with respect to each part or parcel of the said lands assessed to him;
- (c.) The acreage and description of each of the said parts or parcels;

Name of owner or

Status of ownership

Description of parcels owned

Assessed value
of same.

(d.) The assessed valuation (exclusive of improvements) of each of the said parts or parcels.

Certified copy to be
furnished Returning
Officer.

And the said Assessor or Clerk, or the Secretary of the said Trustees, as the case may be, shall, as soon as possible thereafter, furnish the duly appointed Returning Officer with a copy of the said statement, accompanied by a certificate to the effect that all the information called for in subsections (a), (b), (c), and (d) of this section is given, and that the said statement is a correct abstract or deduction from the Provincial, municipal, or corporation roll, as the case may be.

Returning Officer to
prepare list of
voters.

24. (1.) Every Returning Officer appointed under this Act shall, forthwith after his appointment, proceed to prepare, according to form numbered 2 in the Schedule of this Act, a list (to be known as the "voters' list") of the names of all persons who are entitled to vote at or be represented in the coming election, together with the assessed valuation of the land, exclusive of improvements, in respect of which each of such persons is entitled to vote or be represented, and the number of votes to which each is entitled in respect of the same; and shall accompany the said list by statutory declaration verifying the same, and shall, at least two weeks prior to the date of the said election, post a copy thereof at three of the most conspicuous places within the territorial limits.

Voters' list where
corporation is
divided into
precincts.

(2.) Where a public irrigation corporation is divided into precincts, the name of any resident owner of land shall be entered for the precinct in which he or she resides, and the name of any non-resident owner or corporation shall be entered for the precinct in which such person or corporation has the largest amount of land in value according to the particular assessment roll or rolls or other record of evaluation of the said lands as mentioned in section 20; and no person's name shall be entered twice in any voters' list: Provided that nothing herein contained shall be construed to prevent any person from voting as proxy or representative under this Act for any other person or body corporate in any precinct where such other person or body corporate is entitled to vote or be represented in the said voting.

Court for Correction
of Voters' Lists.

25. (1.) The Trustees (or, as to the first election, the persons appointed by the Minister under subsection (d) of section 13) are hereby empowered to and shall hold a Court (to be known as the "Court for the Correction of Voters' Lists") commencing on the day specified in subsection (2) of section 21 (or, as to the first election, on the day set by the Minister), at the hour specified in subsection (3) of section 21, and at the place of meeting set out in the by-law or resolutions adopted by the Trustees under section 22 of this Act (or, as to the first election, at the place designated by the Minister), to hear and determine cases wherein it is alleged, after the voters' list has been verified by the Returning Officer, that any person's name

has been improperly placed on or omitted from the said list; and the Court shall remove from or add to the said list such names as it decides should be removed from or added to the said list: Provided that no names shall be removed from such voters' list until it is proved to the satisfaction of the Court that the person whose name it is claimed has been improperly placed upon such list has received at least two days' notice of the intention to apply to have such name removed, and of the grounds on which such application is based.

(2.) In the case of the Court being composed of the persons appointed by the Minister as aforesaid, they shall choose one of their number to act as Chairman of the Court; and in the case of the Court being composed of the Trustees, the Chairman of the Trustees shall act as such Chairman. Not less than three members of the Court shall constitute a quorum. The Court shall, upon hearing in open Court, determine upon all claims and objections respecting the voters' lists; every such determination shall be by the decision of a majority, and in case of an equal division of votes the Chairman shall have a casting-vote in addition to his vote as a member of the Court. The Chairman shall in open Court write his initials against every name struck out or inserted and against any part of the list in which the number of votes has been altered or any mistake has been corrected or omission supplied; he shall also write his initials at the foot of every page of the list so settled, and shall cause to be written at the foot or end of the list a certificate that the same has been revised and is correct, with the date thereof, which certificate the Chairman and not less than two other members of the Court shall severally sign.

(3.) The voters' list so revised and signed shall be the voters' list for the corporation, and shall continue in force until a new voters' list has been made for the corporation under the provisions of this Act.

(4.) The Chairman of the Court shall, forthwith after the signing of the said list, deliver it to the Returning Officer, who shall forthwith cause such number of copies thereof to be made as will answer the purpose of the coming election.

26. (1.) Votes at all elections shall be by ballot.

(2.) The Returning Officer shall cause to be printed or prepared in writing such number of ballot papers as will be sufficient for the purposes of the election for which he is appointed, and the cost of the said printing or writing, in the case of the first election, may be a proper charge upon the fund deposited with the Minister under sub-division (f) of subsection (4) of section 6.

(3.) At the first election the names of the candidates for Trustees and other officers shall not be included in the same ballot-paper which is used for voting upon the creation of the corporation, but one kind or set of ballot-papers shall be prepared containing the names of the candidates for Trustees and other officers, and another kind shall be used for voting upon the creation of the corporation. There shall

Organization and
procedure of Court
for Correction of
Voters' Lists

List revised and
signed to be voters'
list

Chairman to deliver
list to Returning
Officer

Election by ballot

Returning Officer to
prepare ballots

Different sets of
ballot papers to be
prepared

Ballots, form of.

also be prepared a separate kind or set of ballot papers, to be used in cases of tendered ballots, as hereinafter mentioned.

(4.) Every ballot-paper to be used for the purpose of voting upon the creation of the corporation shall contain in a prominent place on the said paper the words—

" Public Irrigation Corporation—Yes;

" Public Irrigation Corporation—No";

and every ballot-paper to be used for the election of officers shall contain under the name of the office—thus, " For Trustees " (or as the case may be)—a list of the candidates for such office arranged alphabetically in the order of their surnames, and if there are two or more candidates with the same surname, of their other names; and every ballot-paper shall be capable of being folded up.

Case of death or absence of Returning Officer or Deputy Returning Officer.

27. In case a Returning Officer has died or does not attend to hold the nomination or election within an hour after the time appointed, and the Minister or the Trustees, as the case may be, have not appointed a successor to such Returning Officer, the person who has been first named as Deputy Returning Officer, or, if there is none such, the Chairman or Acting-Chairman of the Trustees, or, if there is none such, some person selected by the electors present, shall act and shall be the Returning Officer at such election, and shall have all the powers and shall forthwith proceed to hold the nomination or poll and perform all the other duties of a Returning Officer; and, in the case of a poll being required, the Deputy Returning Officers shall make to him the returns for their respective polling-stations. In case a Deputy Returning Officer has died or refuses or neglects to attend at the time and place he is required by the Returning Officer to receive his voters' lists and other election papers, the Returning Officer shall appoint another person to act in his place and stead, and the person so appointed shall have all the powers and authority that he would have had if he had been appointed by by-law or resolution, or by the Minister, as the case may be.

Declaration of voter if challenged.

28. The Presiding Officer at any election held under this Act shall receive the vote of any person whose name he finds in the voters' list as last revised and prepared for use at such election: Provided that the said officer or any person entitled to vote at the said election may require any person offering to vote at the said election to make the following declaration:—

DOMINION OF CANADA: }
PROVINCE OF BRITISH COLUMBIA, }

..... PUBLIC IRRIGATION CORPORATION.

I, A. B., do solemnly declare that I am qualified and entitled, under subsection () of section 17 of the " Public Irrigation Corporation Act," to vote in respect of lands within the territorial limits described as [here give sufficient description] and valued at \$ according to the assessment roll or other record of valuation mentioned in section 17 of the said Act.

I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at . }
 this day of . }
 19 . . }

The person making such declaration shall be permitted to vote at such election if his name is on the last revised list of voters for the corporation, but if he refuses to make such declaration his vote shall be rejected.

29. The Returning Officer shall retain and file with the returns of any election all proxies presented, together with a statement of what lands were represented in the said voting by the holders of the said proxies.

All proxies to be filed

30. Sections 25 to 34, 37 to 52, 55, 60 to 85, 91A to 91G, and 92 to 105 (all inclusive) of chapter 71 of the "Revised Statutes of British Columbia, 1911," being the "Municipal Elections Act" and amending Acts, with and subject to the alterations hereinafter noted, are hereby incorporated within and shall form a part of this Act, and elections and related matters occurring in any public irrigation corporation shall be governed as far as applicable by the language of said sections as hereinafter amended or altered, namely:—

Various sections of "Municipal Elections Act," relating to the conduct of elections, incorporated

(a.) The words, phrases, and expressions hereinafter in this subsection directed to be struck out shall, wherever they occur in the said sections (except as otherwise specially provided in subsection (b) of this section), be struck out, and the words, phrases, and expressions respectively which are hereinafter in this subsection directed to be substituted therefor shall be so substituted, namely:—

Strike out "municipality" and substitute "corporation":

Strike out "Council" or "Municipal Council" and substitute "Trustees":

Strike out "municipal election" and substitute "election held under this Act":

Strike out "a municipal election" and substitute "any election held under this Act":

Strike out "Mayor, Reeve, Alderman, or Councillor" and substitute "Trustee or other officer":

Strike out "Mayor, Reeve, Aldermen, or Councillors" and substitute "Trustees or other officers":

Strike out "Aldermen or Councillors" and substitute "Trustees":

Strike out "Mayor or Reeve" and substitute "any officer other than Trustee":

Strike out "the office of Mayor or Reeve" and substitute "any office other than that of Trustee":

Strike out "Clerk of the Municipality" or "Clerk" and substitute "Chairman or Acting Chairman of the Trustees":

- (b.) The following special alterations shall be made respectively in those of the said sections which are hereinafter in this subsection specified by striking out, wherever they occur in the particular sections mentioned, the words, phrases, or expressions hereinafter in this subsection directed to be struck out, and substituting therefor the words, phrases, and expressions respectively hereinafter in this subsection directed to be substituted therefor, namely:—

In section 37, strike out "form numbered 5" and substitute "form numbered 3"; and strike out "in any Municipal Council" and substitute "as Trustee or other officer in any public irrigation corporation":

In section 41, strike out "Mayor and Aldermen or as Reeve and Councillors" and substitute "Trustees or as other officers":

In subsection (a) of section 44, strike out "for the office of Mayor or Reeve, as the case may be," and substitute "for any office other than that of Trustee":

In subsection (b) of section 44, strike out "Aldermen or Councillors, as the case may be, in each ward" and substitute "Trustees"; and strike out "in such ward":

In section 46, strike out "form numbered 6" and substitute "form numbered 4"; and strike out "in his notice" and substitute "in the notice of the Trustees (or, as to the first election, in the notice of the Minister)":

In section 51, strike out "Municipal Council" and substitute "Public Irrigation Corporation or Municipal Council":

In subsection (1) of section 52, strike out all the words, and substitute therefor the following:—

"(1.) Where a poll is granted, the Chairman or Acting-Chairman of the Trustees shall procure at the expense of the corporation (or, as to the first election, the Returning Officer shall procure or cause to be procured, charging the same against the fund provided under subdivision (f) of subsection (4) of section 6 of this Act) as many boxes (hereinafter called "ballot-boxes") as may be necessary for use at the said election":

In subsections (3) and (4) of section 52, strike out "the Clerk of the municipality" and substitute "Chairman or Acting-Chairman of the Trustees (or, as to the first election, the Returning Officer)":

In subsection (4) of section 52, strike out "the said Clerk" and substitute "the said Chairman, Acting Chairman, or Returning Officer, as the case may be":

In section 60, strike out " this Act " and substitute " the sections of this Act relating to electors and elections " ;

In section 77, strike out all the words, and substitute therefor the following:—

"(1.) When, at the first election, the Returning Officer proceeds to count the votes, he shall make separate counts of the votes upon the creation of the corporation and of the votes cast for Trustees and other officers :

"(2.) The Returning Officer, in counting the votes upon the creation of the corporation, shall open the ballot-box, or each ballot-box if there be more than one, containing the votes cast upon the creation of the corporation, and, taking out the ballots therein contained, shall count and record the number thereof, and then mix together the whole of such ballots, and thereafter proceed as in subsection (4) hereof mentioned :

"(3.) The Returning Officer, in counting the votes cast for Trustees and other officers, shall open the ballot-box, or each ballot-box if there be more than one, containing the votes cast for Trustees and other officers, and, taking out the ballots therein contained, shall count and record the number thereof, and then mix together the whole of the ballots contained in such ballot-box or ballot-boxes, and thereafter proceed as in subsection (4) hereof mentioned :

"(4.) The Returning Officer shall then open and examine the ballot-papers and call out in a distinct voice the name of the candidate or candidates for whom votes are recorded thereon (or, as to ballots upon the creation of the corporation, ' Corporation—Yes ' or ' Corporation—No,' as the case may be), keeping a record of the votes given for each candidate upon the ballots, or for and against the creation of the corporation, as the case may be. In the counting and recording of the votes by the Returning Officer, the ballots are to be opened and placed on a table with their printed or written faces upwards, so that the candidates or their agents can see, if requisite, the manner in which the face of the ballot is marked, but the back of the ballot must not be exposed in any way so as to enable those present, other than the Returning Officer, to see the numerals (if any) printed on the back " :

In section 79, strike out " municipal by-law " and substitute " corporation by-law " :

In section 80, strike out " Clerk of the municipality " and substitute " Chairman of the Trustees " or, as to the first election, the Chairman of the Trustees elect as soon as the Trustees are organized and appoint a Chairman " :

In section 83, strike out "City or Municipal Hall or some other public place" and substitute "in some public building or other place within the territorial limits":

In section 85, strike out "municipal revenue" and substitute "revenue of the corporation":

In section 105, strike out "Municipal Council" and substitute "public irrigation corporation."

Qualifications and Terms of Office-holders.

Qualifications
of officers.

31. (1.) The persons qualified to be nominated for and elected as Trustees of any public irrigation corporation shall be those male British subjects of the full age of twenty-one years who are not disqualified under any law, and who are ordinarily resident within the territorial limits of the said corporation or proposed corporation, and who have the qualifications prescribed for electors by subsection (a) of section 17 of this Act.

Disqualifications.

(2.) Any person shall be disqualified from being nominated or elected as Trustee of any public irrigation corporation or from continuing to hold office as such for any one of the following reasons, namely:—

(a.) Not holding or ceasing to hold the necessary qualifications:

(b.) Being bankrupt or insolvent or having made an assignment for the benefit of his creditors:

(c.) Being of unsound mind or being found a lunatic:

(d.) Having been convicted of any indictable offence upon conviction for which offence a person is liable to imprisonment for two years: unless the person convicted has been pardoned, or after serving his sentence has been at liberty for a period of five years preceding the election at which he presents himself as a candidate for Trustee or other officer:

(e.) Being concerned by himself or through his partner in any contract with the corporation (except for the supply of water to such Trustee), or participating in any manner in any work to be done by the corporation, or deriving or becoming entitled to any benefit from such contract or work, either directly or indirectly: Provided that no Trustee shall be disqualified under this section from acting as a Trustee by reason of his—

(i.) Being a shareholder of any incorporated or joint-stock company consisting of more than twenty persons which has entered into any contract with or done any work for or on behalf of the Trustees; but no such shareholder shall act as Trustee in any matter affecting such contract or work:

(ii.) Being beneficially interested in any newspaper in which the Trustees insert advertisements:

(f.) Being a Trustee and having absented himself from four consecutive periodical meetings of the Trustees without leave obtained from them in that behalf;

(g.) Being an alien;

(h.) Being a salaried officer of the corporation: Provided that nothing herein shall be construed to make it illegal or an act of disqualification for a Trustee to receive or be paid the salary or the annual allowance, indemnity, or remuneration payable to him or to them under any by-law passed under the authority of subsection (i) of section 50 of this Act and approved by the Board;

(i.) Having any unsettled disputed account against or due by the corporation.

(3.) Any person shall be disqualified from filling any office of the corporation, other than that of Trustee, for any of the reasons specified in subdivisions (a), (b), (c), (d), (e), or (i) of the last preceding subsection. Disqualifications for offices other than Trustee.

(For penalties under the above section, see section 49.)

32. (1.) Every person who shall have been duly elected Trustee or other officer of the public irrigation corporation shall, before taking his seat, make the following declaration before any Judge of the Supreme Court, or a Judge of any County Court, or before a Justice of the Peace, and shall procure from such Judge or Justice of the Peace a certificate of the same having been duly made and subscribed:— Declaration to be made by elected candidate.

DOMINION OF CANADA: }
PROVINCE OF BRITISH COLUMBIA: }

I, A. B., Trustee (or as the case may be) elect for _____, do declare that I possess the qualifications by law required, and that I am not in any way disqualified from holding the office of a Trustee (or as the case may be), and I have not, nor will have while holding office, any interest, directly or indirectly, in any contract or services connected with the corporation, except such as I may lawfully have under the provisions of the "Public Irrigation Corporation Act" in that behalf. I have not, by myself or any other person, knowingly employed any bribery, corruption, or intimidation to gain my election, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters.

33. The terms of office of Trustees and other officers of a public irrigation corporation, unless any of them should die, resign, or become disqualified, shall respectively be as follows:— Terms of office.

(a.) Any Trustee or other officer who is elected at any annual election shall hold office until the occurrence of the second annual election thereafter;

(b.) The term of office of the Trustees elected at the first election shall be determined as follows: The Minister shall classify the duly elected Trustees into two classes, A and B respectively, which shall be as nearly equal in number as

possible, the lesser number of the Trustees elect (if there is any disparity in numbers) and those receiving generally the higher number of votes being put into Class A, and the others into Class B. Those in Class B shall hold office until the first annual election after the creation of the corporation, and those in Class A until the next annual election thereafter:

- (c.) Officers other than Trustees elected at the first election shall hold office until the first annual election after the creation of the corporation:

Continuance
in office.

Provided that any Trustee or other officer of a public irrigation corporation, once duly elected and qualified, unless removed by death, resignation, or disqualification, shall continue in office, in the case of any officer other than Trustee, until his successor has been sworn in, and in the case of a Trustee, until the Trustee or any one of the several Trustees, as the case may be, succeeding him has been sworn in.

Vacancies.

When requisite
number of officers
not elected on
appointed day.

34. In case at any annual or other election of Trustees and other officers held under this Act the electors from any cause fail, decline, or neglect to elect the requisite number of Trustees or other officers on the day appointed, the duly qualified and Acting Trustees (including Trustees elect, if any) shall appoint as many qualified persons, if not elected, as will constitute or complete the number of Trustees and other officers; and the persons so appointed shall, if they accept office, make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected.

On refusal to make
declaration, death,
resignation, etc.,
another officer may
be elected.

35. If a Trustee or other officer fails to make the necessary declaration of office, or in the event of the death, resignation, ceasing to hold the qualification prerequisite to nomination, other disqualification, or continuous absence from the corporation or meetings of the Trustees (except in case of sickness or with the leave of the Trustees), his office may, by resolution of the Trustee, be declared vacant; and another nomination therefor shall be held at such time, within ten days after such resolution, as the Trustees may by such resolution appoint, and of which nomination, and the time and place thereof, the Trustees shall give such notice as it may deem best for the information of the electors; and in the notice shall be stated the time and place or places at which a poll will, if necessary, be granted, and such poll shall take place on the third day succeeding that of nomination, and the election shall be held in accordance with the provisions of this Act and with the by-laws or resolutions (if any) of the corporation regulating elections.

If not Governor in
Council may appoint
officers in certain
cases or may call
for an election.

36. If the annual election of Trustees and other officers does not take place and the Trustees do not proceed as provided in section 34 to appoint such number of qualified persons as will fill up the

vacancies, or if a vacancy occurs as in the last preceding section mentioned in any office of the corporation and the Trustees do not proceed in the manner provided in the said section, then, on complaint of any elector of the corporation, it shall be lawful for the Lieutenant-Governor in Council to appoint as many qualified persons as may be necessary to fill respectively the vacancies which exist, or at his discretion he may issue a warrant to the Chairman or Acting-Chairman of the Trustees, or, if there is no such officer, to some other resident of the corporation, calling upon him, at the expiration of ten days from the date thereof, to fix the day for the nomination and election of a new Trustee or other officer, as the case may be; and such election shall be held as nearly as may be in accordance with this Act and with the by-laws or resolutions (if any) in force in such corporation regulating elections, and if no such by-laws or resolutions are in force the Lieutenant-Governor in Council may make regulations for holding such election.

37. Any Trustee or other officer elected to fill the office of a Trustee or other officer who has died, resigned, become disqualified, or been removed from office shall hold office only for the unexpired term of the Trustee or other officer in whose place he may have been elected.

*Term of office
for unexpired term.*

38. The Lieutenant-Governor in Council may by order, if he thinks fit, remove from office any Trustee of a public irrigation corporation appointed by the Trustees upon a petition from the Trustees praying for such removal; or any Trustee of such corporation elected by the electors upon a petition signed by a majority of the qualified electors of the corporation praying for such removal; or any Trustee of such corporation appointed by the Lieutenant-Governor in Council.

Removal of Trustee.

Trustees—Organization and Procedure.

39. (1.) Meetings of the Trustees shall be held on the day named in the letters patent creating the corporation, on the Thursday of the week succeeding that in which annual elections are required to be held, and thereafter at such times and places as the Trustees may appoint. The Trustees may meet and adjourn as they think proper from time to time and from place to place: Provided that they shall meet at least once every three months.

*Meetings of
Trustees*

(2.) The non-holding of a meeting within the time mentioned in the last preceding subsection shall not invalidate any act done at any subsequent meeting.

40. (1.) At the first meeting after incorporation or after any annual election the Trustees shall elect one of themselves to be Chairman of the Trustees for the ensuing year.

*Election of
Chairman*

(2.) The Chairman so elected shall preside at all meetings of the Trustees.

(3.) If the said Chairman is not present at any meeting of the Trustees, such Trustees as are present shall appoint one of themselves Chairman for such meeting, and all acts, deeds, and things done or executed by such last-mentioned Chairman as directed at the meeting shall be as valid as if done or executed by the Chairman of the Trustees.

Special meetings.

41. (1.) A special meeting of the Trustees may at any time be called by the Chairman of the Trustees or by any two of the Trustees.

Notice of special meetings.

(2.) No special meeting shall be held unless three clear days' notice thereof at least be given to each Trustee. Such notice shall be in writing and shall specify the time of the meeting and the object thereof, and shall be delivered or sent through the post-office or otherwise to the place of abode or the usual place of business (if any) of each Trustee.

Business transacted.

(3.) No business shall be transacted at any special meeting except what is stated in the notice thereof.

Meetings to be open.

42. All ordinary meetings of the Trustees at which by-laws or resolutions are passed shall be open, and no qualified elector of the corporation shall be excluded therefrom; but the said Trustees may hold meetings not so open to discuss any matter amongst themselves.

Powers to be exercised by quorum of Trustees.

43. (1.) All powers vested in the Trustees may be exercised by the Trustees at any ordinary meeting held in pursuance of this Act at which there is a quorum of the Trustees present, but not otherwise.

Quorum.

(2.) A quorum of the Trustees shall consist of one-half of the whole number of the Trustees, or in case such half is not an integral number, then of the integral number next greater than such half.

Majority to decide.

44. All questions at any meeting of the Trustees shall be decided by a majority of the votes of the Trustees present, and in case of an equal division of votes the Chairman shall have a second or casting vote: Provided that on all questions requiring a vote there shall be a concurrence of at least the number of Trustees constituting a quorum.

Adjournment of meetings.

45. (1.) The Trustees present at any meeting may adjourn such meeting from time to time.

(2.) If there is not a quorum of the Trustees present within a quarter of an hour after the time appointed for any meeting, the Trustees present, or the major part of them, or any one Trustee if there is only one present, may adjourn the meeting until another hour or another day; if no Trustee is present, the Secretary may so adjourn the meeting.

(3.) Except where a meeting is adjourned to a subsequent hour of the same day, the Secretary shall forthwith deliver or send through the post-office to each Trustee notice in writing of the time to which the meeting has been adjourned.

46. (1.) No act or proceeding of the Trustees shall be invalidated or be illegal in consequence only of there being any vacancy in the number of the Trustees at the time of doing or executing such act or proceeding. Acts not invalidated by reason of vacancies.

(2.) All acts and proceedings of the Trustees or of any person acting as Trustee (notwithstanding it may be afterwards discovered that there was some defect in the election or appointment of the said Trustees or person, or that they or any of them were incapable of being Trustees) shall be as valid as if the said Trustees or person had been duly elected and appointed and were capable of being Trustees.

47. The Trustees shall, by resolution, appoint a Secretary of their body who shall hold office during the pleasure of the said Trustees. Secretary to be appointed.

48. Except in the fixing of rates and charges for water, no Trustee shall vote upon or take part in the discussion of any matter before the Trustees in which he has, directly or indirectly, by himself or his partners, any pecuniary interest. Trustee not to take part in matter involving his interest.

Penalties.

49. (1.) Every Trustee who, being disqualified to vote upon or take part in the discussion of any matter before the Trustees, and every person who, being incapacitated or not duly qualified to act or having become disqualified from acting as a Trustee, is present at a meeting of the Trustees and acts thereat as a Trustee, or votes upon or takes part in the discussion of any matter before the Trustees (as the case may be), shall for every day on which he is so present and acting or voting or taking part in such discussion forfeit to the corporation a sum not exceeding two hundred and fifty dollars: and the said sum may be recovered by action to be brought in any Court of competent jurisdiction, in the name of the corporation or any elector thereof, and the corporation shall pay the costs of suit of any such elector recovering such penalty. Penalty on disqualified person acting as Trustee.

(2.) Every person who, being incapacitated or not duly qualified to act or having become disqualified from acting in any office of the corporation other than that of Trustee, acts as such officer shall for every day on which he is so acting forfeit to the corporation a like sum, recoverable in like manner as mentioned in the last preceding subsection. Penalty on disqualified person acting as officer other than Trustee.

Trustees' Powers.

50. Subject to the terms of this Act and of the "Water Act," the Trustees of any public irrigation corporation may from time to time make, alter, and repeal by-laws for any of the following purposes, namely:— Powers to be exercised by law

(a.) For negotiating, purchasing, acquiring, taking on lease, or accepting the abandonment of and the control of such the acquiring lands and other property.

Re constructing and maintaining works.

Re purchasing or expropriating existing water systems which supply lands within the territorial limits.

Re agreements for the carriage or storage of water.

By persons other than the corporation for lands within the territorial limits.

lands, rights, easements, and privileges from the Government of the Dominion, or the Provincial Government, or any corporation or person for and to the use of the public irrigation corporation as may be necessary for the establishment of the project and the maintenance thereof:

- (b.) For purchasing, carrying to completion, planning, constructing, superintending, maintaining, operating, and regulating the system and for arranging and settling with any owner or owners of real property the terms and conditions under which the canals, flumes, pipe-lines, or other works of the corporation may be constructed or laid through his or their land, and for expropriating (under the procedure hereinafter provided) such land as the Trustees may deem necessary for the purpose of constructing or maintaining the system:
- (c.) For purchasing or expropriating (according to the procedure hereinafter provided) or otherwise acquiring any existing works for supplying water to any lands within the territorial limits, which lands are to be or may be supplied from the system of the corporation, and purchasing or expropriating the right of any person to establish such works or to store or carry water in or through such works:

Provided that, in fixing the price to be paid for such works, due account shall be taken of their depreciation (if any) in value through use or otherwise, and the said price shall in no case exceed the amount for which the said works could be reproduced:

Provided further that the price paid for the right of any person to establish or maintain such works, and to store or carry water in or through such works, or for either of the said rights, shall not be greater than an amount arrived at by capitalizing at ten per cent. the estimated increase (if any) in the per annum cost of the delivery of the requisite quantity of water through the corporation system over the per annum cost of the delivery of the said water through such works:

Provided further that, except under the general provisions in the "Water Act" relating to such matters, the Trustees are not empowered to purchase, expropriate, condemn, transfer, take away, or diminish any existing right to the use of water which under any existing or former Act of this Province has become appurtenant to particular lands or hereditaments:

- (d.) For executing agreements, subject to the approval of the Board, with persons or corporations—

- (i.) For the storage, carriage, or delivery by the said persons or corporations of water which may be necessary

for use for irrigation or for irrigation and domestic purposes on lands within the territorial limits, and which water the said persons or corporations are authorized by Statute to store, carry, or deliver:

(li.) For the storage, carriage, or delivery by the corporation of water which may be necessary for use on lands or hereditaments outside of the territorial limits, and the right to the use of which water is appurtenant to the said lands or hereditaments: Provided that the said storage, carriage, or delivery does not prejudice the rights of the land-owners within the territorial limits:

By the corporation for persons outside the territorial limits.

(iii.) For the leasing of any water-powers created incidental to the establishment of the system, or for the utilization of the said water-power subject to the provisions of subsection (p) hereof:

the water power.

(c.) For the providing for any and all drainage made necessary by the irrigation provided for under this Act, or which appears necessary or proper or beneficial to the lands within the territorial limits on account of the irrigation which has been done or is intended to be done under this Act, whether for the purpose of more beneficially carrying on such irrigation or to protect the said lands from liability by reason of such irrigation, whether the system of the corporation or any part thereof has been completed or not; and the officers, agents, and employees of any public irrigation corporation shall have the same powers, duties, and liabilities respecting such drainage, and the construction, repair, maintenance, management, and control thereof, as they have under this Act respecting such irrigation; and this Act shall be so construed, applied, and enforced as to apply to such drainage as well as to such irrigation; and it shall be the duty of the Trustees to provide for such drainage, and the said Trustees and their agents and employees shall do all necessary and proper acts for the construction, repair, maintenance, and management of such drainage-works as may be necessary on account of the irrigation of the said lands:

the drainage-works.

(f.) For conducting investigations to determine the best and most effective methods of clearing land, of preparing it for cultivation, of applying water to crops, and of irrigation farming in general, or for entering into agreements with either the Dominion or the Provincial Government for conducting such investigations:

(g.) For raising the moneys necessary for negotiating, purchasing, expropriating, acquiring, or leasing the said lands, rights, easements, and privileges as aforesaid; or for purchasing, expropriating, planning, constructing, carrying to completion, superintending, maintaining, operating,

the raising moneys.

and regulating the system or any works as aforesaid; or for executing any agreements as aforesaid; or for paying all expenses incurred by the Minister, the Board, or other officers of the Department in connection with the project; or for paying all expenses incurred by the Trustees in the management and superintendence of the project (including reasonable remuneration for services rendered by the Trustees and other officers of the corporation and by persons employed by the Trustees); or for paying interest, discount, and all other expenses allowed or incurred by the Trustees in borrowing the said moneys or in the sale of bonds or debentures for the said purposes; or for creating sinking funds for the redemption of any moneys borrowed as aforesaid; or for all or any or either of the said purposes—

By borrowing.

(i.) By borrowing from any corporation or person, either by way of mortgage or debenture executed or issued upon the security of the first charge on the lands within the territorial limits, and all special taxes, rates, and water rentals herein authorized or any of them, or any part thereof respectively, and whether authorized in anticipation of the outlay or subsequent thereto:

By levying rates.

(ii.) By a special rate or rates assessed, levied, and collected in the manner hereinafter provided (which shall be sufficient for the payment of interest upon the moneys required to be borrowed to defray the cost of the said undertakings and works, and for the annual provision of such sinking fund spread over a term specified in the by-law, but not exceeding fifty years, as will repay the purchase consideration of the said undertakings and works) upon the land, exclusive of improvements, within the territorial limits, or upon all the irrigable and cultivable lands under the system, as the case may be; and for making regulations supplementing the provisions of this Act respecting the mode of assessing and collecting and recovering the same:

By water rentals.

(iii.) By annual rentals, tolls, or charges for water privileges based upon the acreage of such of the lands of the respective owners and occupiers as are irrigable and cultivable, and as are situate within the territorial limits and under the system and within at least one-half mile of any distributary lateral thereof, or upon the quantity of water used by the said owners and occupiers, or partly upon the one basis and partly upon the other; and for regulating the mode of collecting the said rentals and charges:

By other means.

(iv.) By utilizing any other source of the corporation's revenue for the purposes aforesaid:

Board and electors must give assent.

Provided, however, that before any by-law for raising money or incurring a liability shall be valid or take effect,

It shall be submitted to and receive the assent of the Board, and after receiving such assent shall be submitted to and receive the approval of the electors of the corporation as hereinafter provided, excepting always that the Trustees may by by-law without such special assent of the electors incur liabilities in the organization of the corporation to an amount not exceeding such sum as is specified in the report of the Board, referred to in subdivision (iii.) of subsection (k) of section 9, as the said report has been approved by the Minister; and for the ordinary expenses of the management of the project and matters incidental thereto in each current year such sums only as the Board may approve; and for such preliminary surveys as are mentioned in section 58 such sums as the Board may approve; but always so that the debt created for any of the said exceptional purposes is payable within the calendar year:

- (h.) For selling or disposing of any lands, tenements, hereditaments, works, rights, easements, or privileges purchased or taken by such public irrigation corporation under any of the powers conferred upon it under this Act; for letting or leasing from year to year, or for any term of years not exceeding fifteen years, any lands, tenements, or hereditaments for the time being held by such corporation or placed under its control, and which may not be required for the purposes of such corporation; and for exchanging for the purpose of improving its system (but subject, nevertheless, to any mortgage or mortgages existing or which such corporation is liable or bound to execute) any lands, tenements, or hereditaments for the time being vested in or belonging to such corporation for other lands, tenements, or hereditaments; and any lands, tenements, or hereditaments so taken in exchange shall vest in such corporation for the purposes of this Act: Re selling, letting, or exchanging lands.

Provided always that any such sale, letting, leasing, or exchange shall be subject to the approval of the Board, and that all moneys arising therefrom shall be applied in the same manner as the revenues receivable by such corporation applicable:

- (i.) For regulating the mode of making, managing, and carrying out contracts entered into by the corporation: Re making contracts.
- (j.) For the collection, appropriation, expenditure, management, and accounting of the revenues and of all money belonging to or in the possession of the corporation: Re revenues.
- (k.) For regulating the appointment and removal of such agents, officers, and employees as may be required in the management of the project or in carrying on the business incidental thereto, and for prescribing their duties, conduct, and remunerations: Re employees.

- Re entry upon lands. (l.) For authorizing appointed officers or agents to enter upon any land at all reasonable times, with or without the consent of the owners or occupiers, for the purpose of making any necessary surveys, particulars, and specifications, and locating the works, lands, and rights-of-way necessary to be used in connection with the system of the corporation, or for maintaining and operating the same:
- Re salary of Trustees and other officers. (m.) Subject to the approval of the Board, for fixing the compensation of Trustees and other officers of the corporation:
- Re travelling expenses. (n.) For providing for any travelling expenses necessarily incurred in and about the business of the corporation:
- Re management of project. (o.) For superintending or performing or for entering into contracts for the superintendence or performance of all such acts, matters, and things as are incidental to the working, control, maintenance, operation, and use of the system and of any water stored or diverted or carried thereby:
- (p.) For storing water in, diverting water from, or carrying water through any lake, reservoir, lagoon, swamp, marsh, river, creek, stream, ravine, or gulch, and generally for exercising the rights and being subject to the obligations of a licensee under the "Water Act" for the carriage and storage of water, or for the utilization of water in the development of power created as an incident in the establishment of the system:
- Re regulations for use of water. (q.) For making rules and regulations relating to the storage, carriage, distribution, and use of water delivered through the system of the corporation, including the prevention and remedying of its waste, undue consumption, fouling or contamination, and for protecting the water and every part of the works from trespass and injury:
- Re elections. (r.) For regulating elections of the corporation:
- Re Trustee meetings. (s.) Subject to section 39, for regulating the call, time, and place of the meetings of the Trustees and the conduct of their business thereat:
- (t.) In general, for duly administering and carrying out the powers given to such corporation under any of the provisions of this Act.

Trustees may impose penalty.

51. (1.) The Trustees may by any such by-law as is mentioned in the last preceding section impose a penalty not exceeding twenty-five dollars for any breach thereof.

Copies furnished.

(2.) The Trustees shall supply copies of all by-laws enforced to any person applying therefor on payment by him of a sum not exceeding twenty-five cents per folio of one hundred words, and copies of all such by-laws shall be kept in a conspicuous place in the office of the Trustees, and shall be open at all reasonable hours to inspection by any person free of charge.

Trustees—Duties, Accounts.

52. (1.) The Trustees of every public irrigation corporation, in addition to any other duties imposed upon them by this Act, are hereby charged with the duty of maintaining the system in a proper state of repair and of conserving the supply of water available therefor, and of arranging, subject to the "Water Act," for the due and equitable distribution of any water which the corporation is entitled to store or carry.

Trustees shall maintain system and distribute water equitably

(2.) The Trustees shall provide for the repayment into the Provincial Treasury of such sums as may have been expended by the Minister, the Board, and other officers of the Department in connection with the organization of the corporation or the establishment of the project, and not already paid out of the fund mentioned in subdivision (f) of subsection (4) of section 6 of this Act, as soon as, under subsection (2) of section 98 hereof, the corporation has accumulated funds out of which the said expenses may be paid.

53. Every Trustee or other officer of a public irrigation corporation shall give such security for the due performance of his duties under this Act as the Lieutenant-Governor in Council may, upon recommendation from the Minister, from time to time, by Order in Council, either general or special, direct.

Officers to give security.

54. (1.) The Lieutenant-Governor in Council may from time to time, on recommendation from the Board or without such recommendation, by Order in Council, either general or special, prescribe the form and manner in which financial or other statements and books required hereunder from the Trustees shall be submitted.

Accounts, to be governed by regulations.

(2.) The said Trustees shall keep books containing true and particular accounts of all moneys received and expended by the corporation.

Trustees to keep books.

(3.) The Trustees shall, on or before the first day of February in each year, under a penalty of fifty dollars in case of default, to be paid by the corporation to the Minister of Finance and Agriculture of the Province of British Columbia,—

Trustees shall, under penalty.

(a.) Publish in a local newspaper a statement showing the assets and liabilities of the corporation on the thirty-first day of December last past, and also the receipts and expenditures of the corporation for the year ending on the said date, giving as full particulars as possible so as to enable the ratepayers to understand the financial position of the corporation:

Publish financial statement.

(b.) (i.) Submit to the Board a complete report of all financial transactions for the preceding calendar year, including a copy of the statement called for in the last preceding subsection, also the lands and property purchased, contracts let, works constructed, money borrowed on debentures and

Submit annual report to Board.

otherwise, and giving the following particulars with regard to each of the several debts of the corporation as they stood on the thirty-first day of December preceding, namely:—

The original amount of the debt;

The date when it was contracted;

The days fixed for its payment;

The interest to be paid therefor;

The rate provided for the redemption of the debt and interest;

The proceeds of such rate for the year ending on said thirty-first day of December;

The portion (if any) of the debt redeemed or paid during that year;

The amount of interest (if any) unpaid on said thirty-first day of December; and

The balance still due of the principal of the debt;

(11.) The said report shall also set forth the progress made on works under construction, the area of land being irrigated, the additional area which the canals and ditches of the corporation are ready to serve, and the approximate percentage of the undertaking which has been completed.

Audit of accounts which may date back.

55. (1.) The Trustees or the Board shall have power at any time to direct a full examination and audit of all moneys received and expended on account of the corporation. Such examination and audit may date back to and cover such period since the creation of the corporation as may be determined by the said Trustees or Board, as the case may be, and the costs and expenses of such examination and audit shall be borne and paid by the corporation.

Compulsory audit clauses of "Municipal Act" may be brought into force.

(2.) The provisions of section 418 of chapter 170, "Revised Statutes of British Columbia, 1911," known as the "Municipal Act," the said clauses relating to the compulsory audit of accounts, may be brought into force and effect in any public irrigation corporation, and shall, mutatis mutandis, apply to the compulsory auditing of accounts in such corporation, when—

(a.) The Trustees pass a resolution declaring it in force; or

(b.) Upon a petition to the Lieutenant-Governor in Council being signed by at least ten per cent. of the qualified electors of the corporation, praying for the holding of a poll on the question as to whether section 418 of the "Municipal Act" shall be applied to the corporation, and upon the Lieutenant-Governor in Council granting such a poll, and upon the majority of votes cast at the said poll being in the affirmative;

Provided that at the said poll the qualifications of voters, voting power, and conduct of the said poll shall follow as nearly as may be the procedure laid down in this Act, but as to the arrangement for the said poll

sections 420, 421, and 422 of the said "Municipal Act" shall apply.

36. (1.) All moneys whatsoever paid to the corporation by way of assessments, rates, taxes, or otherwise may be paid by the Treasurer of the corporation into the Provincial Treasury to the credit of the corporation, and all such moneys in the possession of the corporation exceeding at any time the sum of ten thousand dollars shall be so paid.

Moneys to be deposited in the Provincial Treasury

(2.) The Minister of Finance and Agriculture of the Province of British Columbia is hereby authorized and required to receive and receipt for the same and place the same to the credit of the corporation. He shall pay out the same or any part thereof upon the presentation of warrants duly executed as provided in the next succeeding subsection. He shall, on or before the first day of January of each year, issue a statement setting forth the amount of money in the Provincial Treasury to the credit of the corporation on the thirty-first day of December last preceding, and the amount or amounts received and paid out respectively on said account, and he shall mail copies of the said statement to the Secretary of the Trustees, to the Treasurer of the corporation, and to the Chairman of the Board of Investigation respectively.

(3.) The said Minister of Finance and Agriculture of the Province of British Columbia shall compute the account quarterly, and shall credit the corporation with interest from time to time at the current rate allowed to the Provincial Treasury by banking institutions of the Province.

(4.) Money standing to the credit of the corporation in the Provincial or corporation treasury may be drawn out by warrants signed by the Chairman of the Trustees and one Trustee of the corporation, or, in the absence of the Chairman of the Trustees, by two Trustees of the corporation, and in either case countersigned by the Secretary, or officer acting as such, of the corporation.

(5.) Warrants may be issued, as mentioned in the last preceding section,—

(a.) For the payment of interest due on debentures from time to time;

(b.) For the payment of any ordinary expenses payable out of the moneys of the corporation in the treasury;

(c.) For the redemption of debentures as hereinbefore provided.

(6.) The Treasurer of the corporation shall report to the Trustees, in writing, on the first Monday in each month, the amount of money in the corporation treasury, the amount of receipts for the month preceding, and the amount and items of expenditures; and the said report shall be verified and filed with the Secretary of the Trustees.

37. The Trustees shall not incur any liability whatever other than as authorized by this Act and approved by the Board.

Incurring liabilities.

Acquiring Property or constructing Works.

Provision for surveys and investigations.

58. If in carrying the original project to completion it appears desirable to the Trustees, before proceeding to acquire any property or construct any works, to make surveys and investigations of a more detailed character than those upon which the report of the Board to the Minister was based, or to amend the plan adopted in the said report in any material respect, or if, subsequent to the completion of the original project, the Trustees desire to formulate and carry into effect any general plan for the improvement of the system or for the further construction of works not contemplated in the original project, they may by by-law entered upon their records cause such surveys and investigations to be made as may be necessary for either of the said purposes: Provided that such surveys and investigations shall be made under the direction of a competent engineer experienced in irrigation matters, who shall certify all maps, plans, and estimates made in connection with the same; and that the appointment of the said engineer and the amount or amounts to be expended for the said surveys and investigations shall be subject to the approval of the Board.

Trustees to submit by laws setting out plans for project.

59. (1.) As soon as practicable after creation of the corporation and after the completion, in accordance with the last preceding section, of such surveys and investigations as it may have been necessary to make, the Trustees shall, by one or more by-laws entered on their records, prepare to submit to the electors for confirmation a plan for carrying the project to completion and for raising the moneys necessary therefor, and may, if they deem it expedient, submit more than one such plan.

Also by laws for material alterations or additions.

(2.) If subsequent to the confirmation by the electors of some definite plan for the project it seems desirable to the Trustees to alter the said plan in any material respect, or if at any time subsequent to the completion of the original system the Trustees desire to carry out any plan for the improvement thereof, or to construct works not contemplated in the original project, then in either case, after causing to be made in accordance with the last preceding section such surveys or investigations as may be necessary, they may pass by-laws suitable for the purpose.

Requirements of such by-laws.

(3.) Any such by-laws for the acquirement of property or the construction of works as are required under either of the next two preceding subsections shall set out with full particulars what constructed works or other property it will be necessary to acquire and what further works it is proposed to construct under each particular plan which is presented for confirmation, and an estimate of the cost of all and every the said works and property. The by-laws under which are first submitted to the electors a plan or plans for carrying out the project shall, in addition to the above, set out the expenses which have been incurred by the Board in the premises, and what

expenses (if any) have been incurred by the Trustees under the last preceding section.

(4.) Forthwith upon the passing by the Trustees of any such by-laws for the acquirement of property or the construction of works, they shall submit a copy thereof, together with the maps, plans, and estimates upon which they are based, to the Board.

By-laws and plans to be submitted to Board.

(5.) The Board shall, within ninety days after the receipt of the said by-laws, maps, plans, and estimates, examine into and file a report upon the same with the said Trustees, which report shall contain such matters as in the judgment of the Board may be desirable

Board must approve.

60. (1.) Upon the receipt of the report of the Board approving the said by-laws and plans, but not before, the Trustees shall take the necessary steps to place suitable by-laws before the electors of the corporation for confirming the said plans as approved and for raising the moneys required to carry them out.

By-law for raising money.

(2.) If the by-law to raise the necessary money is confirmed by the electors, the Trustees may then proceed—

(a.) To make any further surveys, examinations, plans, and estimates as may be deemed necessary:

Further surveys, etc.

(b.) To purchase or expropriate any lands, works, or rights which have been set forth in the said by-laws or plans:

Acquiring lands.

(c.) To let any contracts for or to carry out the construction of the works according to the said by-laws and plans:

Letting contracts.

Provided, however, that, subject as aforesaid, preparatory steps for the expropriation of the said lands and works may be taken by the Trustees at any time:

When expropriation may commence.

Provided further that no lands, works, or rights shall be acquired nor any works constructed the consideration whereof shall be in excess of the estimate set out in the by-laws confirmed by the electors and approved by the Board, and in excess of five thousand dollars, unless the particular approval of the Board be given thereto.

Certain purchases require particular assent.

(3.) The provisions of chapter 170 of the "Revised Statutes of British Columbia, 1911," being the "Municipal Act" and amending Acts, shall apply to the expropriation of any lands and works by any public irrigation corporation: Provided, however, that the appointment of the arbitrator who is to represent the corporation shall be approved by the Board.

Expropriation under Part XV. of "Municipal Act."

(4.) All property and works acquired by the corporation under the provisions of this Act shall, as when acquired, become by operation of law absolutely vested in the Trustees of the corporation, who are hereby authorized to take assurance thereof and hold the same respectively to and for the purposes of this Act.

Title vested in corporation.

61. (1.) When the Trustees are authorized to proceed to carry out any works as aforesaid, they shall give notice by publication thereof

Letting contracts.

for not less than thirty days in a local newspaper, and if such newspaper is not one of general circulation in the Province, then also for the said time in a newspaper published in the City of Vancouver, calling for bids for the construction of such work or any part thereof.

(2.) The notice shall specify the works or the portion thereof which it is proposed to carry out, and that plans and specifications of the works or such portion thereof can be seen at the office of the Trustees, and that the Trustees will receive tenders for the carrying-out of the same, the time within which such tenders are to be sent in, and that the Trustees may reject the lowest and every tender.

(3.) The Trustees shall, forthwith after the receipt of the said tenders, consider the same, and may reject the same or let the construction of the said works in whole or as to any portions to any bidder or bidders; or may readvertise for bidders; or may proceed to construct the works under their own superintendency, by means of men, teams, tools, and materials provided by the owners, or otherwise, if the Board so approves.

(4.) If any contract is let, the contractor shall give such security as shall be approved of by the Trustees for the faithful performance of the contract to the satisfaction of an engineer to be approved of by the Trustees and the Board.

(5.) No such contract shall be let unless approved of by the Board, and unless at the time of letting the same there shall be sufficient money in the treasury applicable for the purpose to pay the moneys payable under the said contract: Provided that with the approval of the Board payment may be made by debentures of the corporation.

By-laws—Proceedings and Essentials.

How by-laws to be passed, signed, certified, and registered

62. Every by-law passed by the Trustees of any public irrigation corporation shall be reconsidered not less than one day after the original passage thereof, and if adopted by the Trustees (or, if so required herein, it be approved by the Board or confirmed by the electors, or both, as the case may be) and signed by the Chairman of the Trustees, or, in the absence of the said Chairman, by the Chairman of the meeting at which such by-law has been finally passed, shall be registered in the office of the Water Recorder of the district in which the territorial limits or the greater part thereof are situate, by depositing with such Recorder a true copy of the said by-law, written or printed, and certified by the Secretary of the Trustees or the person acting as such at the meeting at which the said by-law has been finally passed, and under the seal of the corporation; and such by-law shall take effect and come into force and be binding on all persons as from the date of such registration, or if any subsequent date is by such by-law fixed for the coming into force thereof, then at such subsequent date.

63. Every by-law shall be under the seal of the corporation, and shall be signed by the Chairman of the Trustees, or, in the absence of the said Chairman, by the person legally presiding at the meeting at which the by-law has been finally passed, and the Secretary of the Trustees or the person acting as such at the said meeting.

64. (1.) Every by-law for contracting a debt by borrowing money upon debentures or otherwise, or for levying rates for the payment of such debts, shall set out—

- (a.) In brief and general terms the object for which the debt is created;
- (b.) A day in the financial year in which, if confirmed, the by-law shall take effect;
- (c.) The amount of the debt and of the obligations to be issued thereunder and the rate of interest;
- (d.) The time or times when the debt and interest respectively shall be repaid, and the certain specified sums which will be required to be paid at each of the said times for account of interest and debt respectively;

Provided that the said time or times shall not extend beyond a period of fifty years from the day on which the by-law takes effect, and that the said sums shall be such as will be sufficient, with the estimated interest on any investments thereof (figured at not exceeding four per cent. per annum capitalized yearly), as will be sufficient to discharge the debt when payable;

Provided further that any such by-law may, if it is deemed expedient, provide for the repayment of principal as well as interest in suitable instalments throughout the term of the loan, thus obviating the necessity of accumulating sums over a long period for repayment of a loan in a lump sum at the end of the term:

- (e.) Subject to section 90, that a rate or rates sufficient for raising the said sums shall be levied at certain stated times (as may be necessary) on all the land, exclusive of improvements, within the territorial limits, or upon all the irrigable and cultivable lands under the system, as the case may be, and an estimate of what the said rate or rates will be; or that the said sums or any part thereof will be raised by the fixing of annual rentals, tolls, or charges for the use of water, and an estimate of what the said rentals, tolls, or charges will be;
- (f.) The total value of the land, exclusive of improvements, within the territorial limits, according to the last revised assessment roll provided for in this Act, or, if there is no such roll, according to the last Provincial or municipal assessment roll, as the case may be,

(2.) Such by-law may provide that the debentures authorized therein will be issued in one or more series, and what the denominations thereof will be.

(3.) No by-law shall be submitted for the assent of the electors which groups together two or more subjects of expenditure, but each by-law must be for a distinct purpose, and every by-law must be voted on separately.

(4.) Every by-law for contracting a debt as aforesaid, before being submitted to the electors for confirmation as hereinafter provided, must be approved by the Board, and it shall be the duty of the Trustees, forthwith after the passage of such by-law, to submit a certified copy thereof to the Chairman of the Board. Any public irrigation corporation which fails to comply with this provision, and the Chairman and Secretary of the Trustees thereof, shall be guilty of an offence, and for every such offence each shall be liable, on summary conviction, to a penalty not exceeding fifty dollars.

(5.) Every such by-law, except when its object is to raise money for any of the excepted purposes mentioned in the proviso of subsection (9) of section 50, or when otherwise specially provided in this Act, shall, before the final passing thereof, receive the assent of the voters of the district in the manner hereinafter provided.

(6.) No such by-law shall be altered or repealed except with the consent of the Lieutenant-Governor in Council.

Making debt payable
in annual instal-
ments

65. (1.) In any case of passing a by-law for contracting a debt by borrowing money for any purpose, the Trustees may, in their discretion, make the principal of the debt or of each instalment of the debt, as the case may be, in certain specified sums at certain specified times during the currency of the period (not exceeding fifty years) within which the debt or the instalment of the debt, as the case may be, is to be discharged; and such yearly sums shall be of such amounts that the aggregate amount payable for principal and interest in any year in respect of the debt or of the instalment, as the case may be, shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and the Trustees may issue the debentures of the corporation for the amounts, and payable at the times corresponding with such specified sums, together with interest, annually or semi-annually, as may be set forth and provided in the by-law.

Sum to be raised
annually to be
defined in by-law

(2.) The by-law shall set forth certain specific sums to be raised at certain specified times during the currency of the debt or of the instalment of the debt, as the case may be, which sums shall be sufficient to discharge the several sums of principal and interest accruing due at the said times according to the terms of the by-law; and in cases within this section it shall not be necessary that any provision be made for sinking fund.

Debentures may be
for amount, includ-
ing interest.

(3.) Any public irrigation corporation issuing debentures under any by-law may include the interest on the debentures in the amount

payable, in lieu of the interest being payable annually in respect of each debenture; and any by-law authorizing the issue of debentures for a certain amount and interest shall be taken to authorize the issue of debentures in accordance with this section to the same amount, with interest added.

By-laws, Voting on.

66. The Trustees shall, by resolution, make any arrangements which may be necessary for holding the voting upon any by-law which is to be submitted to the electors for confirmation. The said resolution shall be passed at least ten days prior to the day set for the said voting, and shall in particular set out—

- (a.) The day fixed for the said voting, which shall not be less than ten nor more than thirty days after the passage by the Trustees of the said by-law; Preparation for voting Time.
- (b.) The polling-places which the Trustees may establish for the said voting; Place.
- (c.) The name of a person to act as Returning Officer and as many others as may be necessary to act as Deputy Returning Officers; Returning Officer.
- (d.) The particulars with regard to giving public notice of the said by-law and of the voting thereon; Particulars re public notice.

Provided that such notice shall be given by publication of notices at least once a week for two successive weeks in a local newspaper, and by posting similar notices in three of the most conspicuous places within the territorial limits: the first such publication and posting to be done at least eight days prior to the day of the said voting:

Provided further that each of the said notices shall contain a copy of the proposed by-law under a convenient name by which the by-law is to be known, and which will distinguish it from all other by-laws and will designate its purpose, which copy shall have appended thereto a statement that the said copy is a true copy after the following form, to wit:—

Take notice that the above is a true copy of the proposed by-law upon which the vote of the electors of the _____ Public Irrigation Corporation will be taken [place, day, hour, &c.].

The said statement shall thereupon set forth the day, hour, and place or places for the said voting, and each copy thereof appended to each copy of the said by-law to be published or posted shall be signed by the Secretary of the Trustees or the person acting as such at the meeting in which the resolution herein provided for was passed.

67. (1.) The qualification of voters, the number of votes each voter is entitled to cast, the duties of the Returning Officer and

Conduct of voting on by-laws

Deputy Returning Officers, and all proceedings at the voting on any by-law shall be governed as nearly as may be by the sections of this Act and of the "Municipal Elections Act" incorporated therein which relate to polling at an annual election.

(2.) The said voting shall be by ballot; every ballot-paper used shall contain the name or a convenient description of the by-law to be voted on, and in a prominent place thereafter the words—

"By-law—Yes;

"By-law—No."

Final passing of
by-law.

68. The Trustees, upon receiving the statement of the Returning Officer mentioned in the last preceding section, shall, if it shows that a majority of votes have been cast in favour of the by-law, finally pass the said by-law: Provided that if under section 59 by-laws have been submitted to the electors presenting a choice of plans, and more than one such by-law has received in favour thereof a majority of the votes cast upon it, that by-law shall be finally passed by the Trustees which has received the largest number of votes in favour thereof.

Resubmission
by laws

69. If any by-law which requires the assent of the said voters is rejected by them, no other by-law for the same purpose shall be submitted to the voters during the same year, unless at least one-tenth in number of the voters who are qualified to vote on the by-law petition the Trustees, at an interval of not less than sixty days after the defeat of the by-law, requesting that it may be again submitted to the ratepayers, and binding themselves, in such manner as the Trustees may decide and approve, to defray the cost of placing the by-law again before the voters in the event of it not receiving the necessary assent to become law.

By-law, Quashing and Actions upon.

Application to
the Court

70. (1.) In case a ratepayer of the corporation or any other person interested in any by-law, order, or resolution of the Trustees hereof applies to the Supreme Court, and produces to the Court a copy of the by-law, order, or resolution, certified under the hand of one of the said Trustees or their Secretary (or, in the case of a by-law, certified as a true copy by the Water Recorder in whose office the same is registered), and shows by affidavit that the same was received from the said Water Recorder or from one of the said officers of the corporation, and that the applicant is such resident or is interested, the Court, after at least four days' service on the said Trustees of a rule to show cause in this behalf, may quash the by-law, order, or resolution in whole or in part for illegality, and, according to the result of the application, award costs for or against the corporation: Provided always that either party to any such rule shall be entitled to appeal from the judgment of the Court thereon as if the same were a judgment in any action.

(2.) No application to quash a by-law, order, or resolution in whole or in part shall be entertained unless the application is made or the notice provided for in the next following subsection is given within one month after the registration of the by-law, or the passing of the order or resolution, except in the case of a by-law requiring the assent of the said voters when the by-law has not been submitted to or has not received the assent of the said voters.

When application must be made

(3.) Before any application to quash a by-law as aforesaid shall be made, ten days' notice in writing of intention to make such application, setting out the grounds of the application, shall be given by the applicant to the Trustees of the said corporation, and a copy thereof shall be filed in the office of the Water Recorder in whose office the same has been or should be registered and in the office of the Comptroller; and no such application shall be persisted in if the Trustees of the said corporation shall, before the expiration of such ten days, by resolution, determine to repeal or amend the by-law, or portion thereof objected to, and shall proceed so to do with reasonable dispatch. Any applicant giving such notice may, within one month of the giving of such notice, proceed to make the application as provided in subsection (1) of this section, notwithstanding that the period of one month has elapsed since the registration of the by-law complained of, if the said notice is given within one month after the registration of the by-law.

Written notices to be filed, when and where.

(4.) In case a by-law by which an assessment is made or a rate is imposed has been registered in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of the time provided by the next three preceding subsections, nor shall any person assessed under or subject to a rate under such by-law be entitled to plead any defect in such by-law as a valid defence against a claim for payment of such rate, except by application to quash the by-law made within the time aforesaid.

Pleading defect.

(5.) In all cases where any by-law referred to in the last preceding subsection has been passed and assented to as hereinbefore provided, and has not been quashed upon application within the time hereinbefore limited for that purpose, such by-law shall be a good, valid, and subsisting by-law.

Becomes final

71. (1.) In case a by-law, order, or resolution is illegal in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order, or resolution has been quashed, nor until one month's notice has been given to the corporation; and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order, or resolution.

Right of action on illegal by-law

(2.) In case the corporation tenders amends to the plaintiff or his solicitor, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall

Costs of action

have no costs, but costs shall be set off against the verdict, and the balance due shall be recovered as in ordinary cases.

By-laws, Evidence of.

How evidence may be given.

72. Evidence of any by-law of any public irrigation corporation may be given in all Courts in any of the modes hereinafter mentioned, that is to say:—

(a.) By the production of a copy of the Gazette purporting to contain a copy of such by-law;

(b.) By the production of a copy of such by-law, written or printed, without erasure or interlineation, under the seal of the corporation, and certified to be a true copy by any Trustee of the corporation, without proof of the seal or signature, unless it is specially pleaded or alleged that the seal or signature has been forged, and signed by the Water Recorder in whose office the same is registered, and endorsed with the date of registration, certified by such Water Recorder.

Debentures—Issue, Sale, Validity, etc.

Debentures to be sealed and signed

73. All debentures and other instruments duly authorized to be executed on behalf of any public irrigation corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the Chairman of the Trustees thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid; and it shall be the duty of the Trustees and of the Treasurer of the corporation to see that the money collected under the by-law is properly applied to the payment of the interest and principal of the debentures.

Valid unless by-law quashed.

74. (1.) Debentures issued under the authority of any by-law passed and registered under this Act shall, after the time has expired within which proceedings may be taken as in this Act provided for quashing the said by-law, and subject to such proceedings, be valid and binding on the corporation issuing the same, and the land liable to be assessed for the payment of the said debentures and the interest thereon, and on all parties concerned.

Not invalid for slight irregularities

(2.) No debentures issued or to be issued under any by-law aforesaid shall be held invalid on account of the same not being expressed in strict accordance with such by-law: Provided that the debentures are for sums not in the aggregate exceeding the amount authorized by the by-law.

When debentures cannot be questioned

(3.) When debentures have been issued by any public irrigation corporation under a by-law which has not been quashed by a Court of competent jurisdiction, and the interest thereon which shall have fallen due has been paid for the period of one year by the

corporation, the by-law and the debentures issued thereunder, or so much thereof as may be unpaid, shall be valid and binding on the corporation and the ratepayers thereof and on all parties concerned.

73. (1.) After the time has elapsed for the filing of an application to quash any by-law for contracting a debt or incurring a liability or for borrowing money, which by-law has been confirmed by the electors of the corporation as in this Act provided; or if an action or proceeding is pending in which the validity of the said by-law is called in question, or by which it is sought to quash it, then after the determination of such action or proceeding, and subject thereto, the Trustees may proceed according to the terms of the said by-law to execute any mortgage or issue and sell any debentures authorized in the said by-law: Provided that the form of such debentures, the price at which sold, and all other matters connected with the issue and sale thereof, and not expressly set out in the by-law authorizing the same and already approved by the Board, shall be subject to the approval of the Board; and the Trustees shall, before delivery of such debentures, apply to the Board for a certificate approving the particular form and manner of the issue thereof, and the price at which they may be sold.

When Trustees may sell debentures or execute mortgages.

Must first apply to Board for certificate of approval.

(2.) The Trustees shall cause to be filed with the Board a statement of all debentures sold, forthwith after the sale thereof, from time to time, with the numbers thereof, the date of sale, the price for which sold, the amount received, and the names of the persons to whom sold.

Record of sales.

(3.) Any person interested in the purchase of such debentures or the holder of any such debentures may apply to the Board, either before or after the delivery thereof, for such certificate confirming the validity of the same.

Any interested party may apply.

(4.) No such certificate shall be granted while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, nor until thirty days after the final passing of the by-law, unless notice of the application shall be given in such manner and to such persons (if any) as the Board may direct.

Certificate not to be granted while proceedings pending.

(5.) The Board may grant the certificate, notwithstanding any irregularity in the proceedings prior to the final passing of the by-law or in the by-law itself, if in the opinion of the Board the provisions of this Act have been substantially complied with.

Board may grant certificate upon proof of substantial compliance with law.

(6.) Every debenture issued under the authority of a by-law which has been approved by the Board and confirmed by the electors as aforesaid, and the form and issue of which debenture have been approved by the Board as herein provided, shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law, and the validity of the by-law and of every such debenture shall not thereafter be open to question in any Court.

Debenture or by-law not to be open to question after approval.

Form of certificate.

17.1 The certificate shall be signed by the Chairman and at least one other member of the Board, and may be in the following form:—

In pursuance of the "Public Irrigation Corporation Act," the Board of Investigation hereby certifies that the within-enclosed debenture [or series of debentures, *as the case may be*] [naming it or them] is valid and binding, and that its validity is not open to be questioned in any Court on any ground whatever.

Dated

..... Chairman.
..... Member.

How and where debentures may be made payable.

18.1 Any debentures issued by a public irrigation corporation may be made payable, as to principal and interest, either or both, either in currency or sterling money, and either in the United Kingdom, the United States, or the Dominion, and the signatures to the interest coupon may be either written, stamped, printed, or lithographed. The debentures, when issued, may be disposed of by the person appointed by the Trustees for that purpose to such person or persons, or body of persons, as he or they may deem expedient, and, subject to the approval required in subsection (2) of section 75, at a rate below par if he or they shall deem it necessary to do so.

Trustees may, with consent of holder, cancel debentures and issue new, payable in sterling or currency.

(2.) It shall be lawful for the Trustees, with the consent of the lawful holder of any debenture or debentures issued under any by-law or by-laws, to recall and cancel such debenture or debentures, and to cause to be issued or deliver to such holder instead thereof another debenture or debentures of the like or any equivalent amount, but expressed to be payable in sterling money instead of currency, or in currency instead of sterling money, as the case may be, and may different date, as may be agreed upon between such holder and the Trustees; that every such new debenture shall bear the same date and be made payable on the like days and times, both as to principal and interest, as the debenture for which it is substituted; and the assent of the ratepayers or the Board to any by-law to be made under the authority hereby conferred shall not be necessary.

Issued in instalments.

19.1 Any debentures authorized under any by-law of any public irrigation corporation may, if deemed advisable by the Trustees, and subject to the approval of the Board and other conditions specially provided for in this Act, be issued all at one time and in such case within two years after the passing of the by-law, or in case where, because of the proposed expenditure upon the object for which the debt is contracted being estimated to extend over a series of years, and it being undesirable to have large portions of the moneys in hand unused and uninvested, or for other like and sufficient cause, it would be to the advantage of the corporation, the debentures may be issued in instalments of such amounts (not exceeding in the aggregate the total amount for which provision is made in the by-law) and at such times as the exigency of the case demands, but so that the whole shall be issued within five years and the first instalment within two

years after the passing of the by-law; and any interest payable in respect of such debentures shall be calculated as from the date of negotiation or delivery of the debentures or instalments thereof as aforesaid, and not otherwise. Save as aforesaid, the debentures authorized under any by-law shall be dated and issued all at one time and within two years after the passing of the by-law.

77. (1.) The Trustees may, with the approval of the Board, hypothecate or pledge with any banker or other person willing to advance any moneys thereon any debentures lawfully issued by the corporation under the provisions of this Act, and which may for the time being remain unsold, but so that any such borrowed moneys shall be repaid out of the proceeds of the said debentures when sold; and the Trustees may pay interest upon such borrowed moneys out of the funds of the corporation in the hands of the Trustees.

Trustees may hypothecate.

(2.) If no sale of the said debentures offered for sale is made within such time as the Board may deem reasonable, the Trustees may, with the approval in writing of the Board, use the said debentures for the purchase or acquisition of lands, works, and rights, or for the construction of works, or in repayment of any indebtedness or liability incurred by the said Board or other officers of the Department under the provisions of this Act.

Used to purchase lands and works.

78. (1.) Any debenture heretofore or hereafter issued by any public irrigation corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name.

When payable to bearer, transferable by delivery.

(2.) Any debenture issued and made payable to any person or order shall, after the endorsement thereof in blank by such person, be transferable by delivery from the time of the endorsement, and the transfer shall vest the property thereof in the holder and enable him to maintain an action thereupon in his own name.

Payable to order and endorsed in blank payable to bearer.

(3.) Any debenture issued by the public irrigation corporation of any municipality shall be valid and recoverable to the full amount, notwithstanding its negotiation by such municipality at a rate less than par.

Debenture recoverable to full amount

(4.) In a suit or action upon any debenture it shall not be necessary for the plaintiff to set forth in the declaration or other pleading, or to prove the mode by which he became the holder of the debenture, or to set forth or to prove the notices, by-laws, or other proceedings under and by virtue of which the debenture was issued; but it shall be sufficient in such pleading to describe the plaintiff as the holder of the debenture (alleging the endorsement in blank, if any), and shortly to state its legal effect and purport, and to make proof accordingly.

Allegations necessary to set forth in legal proceedings on debentures.

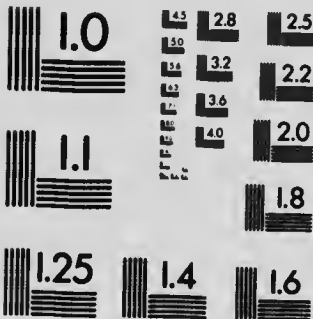
79. Any person whose land has become subject to a rate being levied under any by-law finally passed under this Act may pay the

ratepayer may commute rate.



MICROCOPY RESOLUTION TEST CHART

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amount of the assessment which under the said by-law would be levied upon the said land, less the interest, at any time before the debentures of the corporation for the purpose of borrowing the moneys to carry out such work are issued, in which case the number of the debentures issued shall be proportionately reduced, and the said land will be exempt from further assessment under the said by-law.

Funds--Investments and Sinking Funds.

Moneys to be expended for purpose authorized in by-law, except when unappropriated money; and second by-law passed.

80. All moneys borrowed upon mortgage or debenture shall be expended by the Trustees only for the purpose stated in the by-law authorizing the said mortgage or debenture and subject to the provisions of this Act: Provided that when any public irrigation corporation shall have a sum of money on hand which has been borrowed for a special purpose under a loan by-law, and the Trustees shall deem it undesirable to expend for such purpose the money so borrowed, it shall be lawful for the Trustees to place before the ratepayers a by-law providing for the expending of such sum of money for some other purpose; the said by-law shall be subject to the provisions of this Act as to the passage of by-laws for creating debts.

Payment of sinking fund into Provincial Treasury.

81. (1.) Where the Trustees of any public irrigation corporation propose to pass a by-law for borrowing money by the issue of debentures or otherwise, and to create a sinking fund for the repayment thereof, the by-law may provide that the annual amount to be levied on account of the sinking fund shall be paid by the Treasurer of the corporation into the Provincial Treasury to the credit of the corporation; and if such by-law does not provide for such payment the Trustees may pass a by-law providing therefor.

Minister of Finance and Agriculture may allow interest on funds in his hands.

(2.) Where a public irrigation corporation avails itself of the right conferred by the next preceding subsection, the Minister of Finance and Agriculture of the Province of British Columbia may receive from the Treasurer of the corporation the annual amounts as levied on account of the sinking fund, and allow and credit the corporation with interest thereon the rate of four per cent. per annum, compounded yearly, until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

Moneys so received to form part of Consolidated Revenue Fund.

(3.) All moneys received by the said Minister under the provisions of this section shall form part of the Consolidated Revenue Fund, and a statement of the amount at the credit of each public irrigation corporation shall be set forth annually in the Public Accounts of British Columbia.

Sinking fund may be invested in the debentures to be redeemed.

(4.) The said Minister may invest the amount at the credit of the corporation or any part thereof in any of the debentures of the said corporation or of any other public irrigation corporation which have been approved by the Board as provided in section 75 of this Act.

(5.) Where a by-law has been passed under the authority of this section, the amount payable in any year to the credit of the sinking fund which under the provisions of the by-law is to be paid to the said Minister shall be deemed a debt due to him, and in default of payment thereof he may sue therefor in his own name as for a debt due to the Crown in any Court of competent jurisdiction.

Amount payable into sinking fund to be a debt to the Minister of Finance and Agriculture.

82. (1.) Where by any by-law of any public irrigation corporation provision is made for raising a sinking fund to meet the debt created under the authority of such by-law, the Trustees shall, in each year in which the sinking fund is required to be raised, transmit to the Chairman of the Board a statement showing whether the sinking fund for the year has been raised, and how it has been applied or dealt with, and the state of the investment of any part of the sinking fund theretofore collected, which statement shall be verified by the affidavit or statutory declaration of the Chairman of the Trustees and the Treasurer of the corporation.

Annual return as to sinking fund.

(2.) A public irrigation corporation which does not comply with the provisions of the last preceding subsection, and the Chairman of the Trustees and the Treasurer thereof, shall be guilty of an offence, and for every offence each shall incur a penalty not exceeding one hundred dollars, to be recovered with costs on summary conviction under the "Summary Convictions Act."

Penalty.

83. The Trustees shall keep in the books of the corporation two separate accounts of every debt, one for the special rate and one for the sinking fund or for instalments of principal, both to be distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and they shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained, and appropriated for payment thereof.

Two special accounts to be kept: (1) of the special rate; (2) of the sinking fund or instalments of principal.

84. (1.) If after paying the interest of a debt for any financial year, and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, to be administered or invested as is otherwise in this Act provided for such funds, or shall be applied in payment of the principal of such debt as hereinafter provided.

When surplus shall be applied to next year's interest, or to sinking fund, or otherwise.

(2.) No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the corporation, save as may be otherwise authorized by this or any other Act.

Moneys levied for a sinking fund not to be diverted.

Liability of Trustees for diversion of sinking fund.

(3.) In the event of the Trustees diverting any of said moneys for current or other expenditure, save as aforesaid, the members who vote for the diverting of said moneys shall be personally liable for the amount so diverted, and the said amount may be recovered in any Court of competent jurisdiction; and the members who have voted for the same shall be disqualified from holding any office in any public irrigation corporation or municipality for the period of two years. In case the Trustees, upon the request of any ratepayer, refuse or neglect for one month thereafter to bring an action therefor in the name of the corporation, the action may be brought by any ratepayer on behalf of himself and of all the other ratepayers of the corporation.

Secretary to state annually amount required to be levied for sinking fund.

(4.) In every public irrigation corporation in which any sum of money is required by law to be raised toward a sinking fund, it shall be the duty of the Secretary of the Trustees to prepare and lay before the Trustees in every year, previous to the striking of the annual rate, a statement showing what amount or amounts will be required for the purpose; and any such Secretary making default in the performance of the duty imposed by this subsection shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty not exceeding twenty-five dollars, to be recovered at the instance of any ratepayer resident in the corporation.

Liability of Trustees neglecting to levy for sinking fund.

(5.) In the event of the Trustees neglecting in any year to levy the amount required to be raised under this Act to provide a sinking fund for the payment of the debt of the corporation, every Trustee shall be disqualified from holding any office in any public irrigation corporation for the period of two years; but no Trustee shall be liable to the penalty hereby imposed who shows to the satisfaction of the Court or Judge that he made reasonable efforts to procure the levying of the rate for the said sinking fund.

Application of moneys to redemption of debt or of debentures.

85. The Lieutenant-Governor in Council, after investigation and report by the Board, may, by Order in Council, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said Trustees can agree, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such Order in Council; and the Trustees shall thereupon apply, and continue to apply, such part of the produce of the special rate at the credit of the sinking fund account or special rate account as directed by such Order in Council.

Investment of surplus moneys raised on special rates.

86. (1.) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account or

of the special rate account thereof, cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the Trustees may from time to time invest the same in Government securities, municipal debentures, or in debentures of the corporation or of other public irrigation corporations, which debentures have been approved by the Board as provided in section 75 of this Act, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in such other manner as the Lieutenant-Governor in Council may, after investigation and report by the Board, by general or special Order in Council direct; and from time to time, as such securities mature, may invest the proceeds thereof in other like securities; but no sum so invested in mortgages shall exceed two-thirds of the value, according to the last revised and corrected assessment roll at the time it is invested, of the real estate on which it is secured.

(2.) Subject to the last preceding subsection, the Trustees may regulate, by by-law, the manner in which such investments shall be made.

To be regulated by by-law.

(3.) It shall not be necessary that any debentures of the corporation referred to in this section shall have been disposed of by the Trustees, but the Trustees may apply the sinking fund to an amount equal to the amount of such debentures towards the purposes to which the proceeds of such debentures would properly be applicable; and the Trustees shall thereupon hold the debentures as an investment on account of the sinking fund, and may deal with the same accordingly.

Sinking fund may be used in purchasing unsold debentures.

87. The Trustees may by by-law direct that any surplus moneys in the hands of the Treasurer, whether raised by the collection of water rentals or by additional rate or derived from any other source of revenue, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture or other debt of the corporation, or paid on any instalment of the debt accruing due; and the Trustees may, subject to the provisions of the preceding section, invest such sinking fund account in any of the securities therein named.

Surplus moneys may be applied on sinking fund of any debt of corporation.

88. No Trustee shall take part in or in any way be a party to the investment of such moneys as are mentioned in this Act, by or on behalf of the corporation, otherwise than is authorized by this Act, or by any other law in that behalf made and provided; and any person so doing shall be held personally liable for any loss sustained by the corporation.

No member of corporation to be party to investment.

Taxes and Assessments.

89. (1.) Rates and taxes may be settled, imposed, and levied by the Trustees of any public irrigation corporation upon all the land,

What lands subject to taxation.

exclusive of improvements, within the territorial limits, subject to the exemptions and limitations noted in this and in the next following section.

Lands exempted.

(2.) Any parcel of the said land not exceeding five acres in extent upon which is situate a building set apart and in actual use for the public worship of God, or as a burying-ground, or as a hospital in which the sick, injured, infirm, or aged are received and treated, or as an institution for the care and charge of orphans and destitute children, and all roads and highways the fee of which is in the Crown or in any municipality or which are used as open and public highways, shall be exempt from the settling, imposing, or levying of any rates or taxes under this Act.

Crown lands.

(3.) All lands within the territorial limits the fee of which is in the Crown in the right of the Province, or which are held under pre-emption, lease, agreement of sale and purchase, or otherwise from the Crown in the right of the said Province, or such of them as may be specified in any Order in Council, may, if the consent of the Lieutenant-Governor in Council be obtained thereto, be assessed in the assessment roll and be dealt with in all respects as lands privately owned; and all taxes levied in respect thereof shall either be paid out of such moneys as shall be voted by the Legislature from time to time for that purpose, or, in case of lands held under pre-emption, lease, agreement of sale and purchase, or otherwise, shall be paid by the pre-emptor, lessee, purchaser, or other person, as the case may be, interested in the said lands; and the assessment roll shall be a charge, as hereinafter provided, against the said lands as well before as after the issuance of the Crown grant thereof: Provided, however, that the total amount charged against any parcel of land shall not, upon pre-emption or alienation, be then immediately payable, but the same shall be distributed over a term of like length as were the original assessments, the beginning of said term being the date of pre-emption or other alienation.

Taxes on Dominion lands.

(4.) All lands the fee of which is in the Crown in right of the Dominion, or the territorial revenues whereof belong to the Crown in right of the Dominion, and whether said lands are held under pre-emption, lease, agreement of sale and purchase, or otherwise, or not, shall be liable, if the consent of the Governor in Council be obtained, to be assessed in the assessment roll, and be dealt with in all respects as lands privately owned; and all taxes levied in respect thereof shall either be paid out of such moneys as shall be voted by the Parliament of Canada from time to time for that purpose, or, in case of lands held under pre-emption, lease, agreement of sale and purchase, or otherwise, shall be paid by the pre-emptor, lessee, purchaser, or other person, as the case may be, interested in said lands; and the assessment roll shall be a charge as hereinafter provided, against the said lands as well before as after the issuance of the Crown grant thereof.

Crown lands are assessable.

(5.) All lands in respect of which no Crown grant has been issued, and which are held as aforesaid under pre-emption, lease, agreement

of sale and purchase, or otherwise, shall be and shall be deemed to have been liable while so held, or during the existence of such lease or agreement, to be assessed for the purposes of this Act, notwithstanding that the consent of the Governor in Council or Lieutenant-Governor in Council, as the case may be, shall not have been or shall not be obtained thereto; but such assessment and taxation, in the absence of any such consent, shall not affect the rights of His Majesty in said lands.

(6.) In order to meet the deficiency in the amount of any assessment caused by the assessments on the Crown lands not being immediately payable, the Trustees may, if they are of opinion that this contingency is not sufficiently provided for by an extra rate assessed under the provisions of this Act, assess the other lands in the territorial limits of the corporation for their proportion of the deficiency thereby created. The said Trustees may also reduce the rate upon such other lands from time to time as the Crown lands become liable to assessment and the said assessments are paid.

Deficiency on account of Crown lands.

90. (1.) Subject to the provisions of the last preceding section,—

(a.) Any rates or taxes settled, levied, or imposed for the purpose of raising money to defray any expenditure forming part of the first cost of the system or for permanent improvements, extensions, extraordinary repairs or replacements, thereof or to pay any debt created for any of the said purposes shall be settled, levied, or imposed, as the case may be, upon all land, exclusive of improvements, within the territorial limits:

Taxes for first cost of system raised on what lands.

Provided that, in the event of the benefit which will accrue to the respective owners of the various tracts or subdivisions of the said land by reason of the establishment of the said system, not being a substantially uniform benefit, the said rates or taxes may be settled, levied, or imposed according to a classification of the said land as hereinafter specified:

Classification of lands.

(b.) Any rates or taxes which may be settled, levied, or imposed for the purpose of raising money to defray any expenditures for the ordinary maintenance or operation of the system or for administration purposes shall be settled, levied, or imposed, as the case may be, upon such of the said lands only as are irrigable and cultivable and as are situated so that they can be supplied with water from the works of the corporation, and are not more than one-half mile distant from some distributary canal, ditch, flume, or pipe-line of the system:

Taxes for ordinary expenditure raised on what lands.

Provided that, in the event of the benefit to be derived by the said lands from the operation of the system is not substantially a uniform benefit, the said rates or taxes may be settled, levied, or imposed according to a classification of the said lands as hereinafter specified:

Classification of irrigable lands.

Tax to entitle owner to certain minimum quantity of water.

Water rentals may be charged for additional water.

Exception as to ordinary expenses in survey or construction period.

Preparation of assessment roll.

Provided further that any rates or taxes which may be levied or imposed for the purpose of this subsection shall be so fixed as to entitle each owner of a tract or subdivision containing any of the said lands to the use of a certain specified minimum quantity of water for each acre of such lands without further charge; and that, subject as aforesaid, nothing herein shall be construed to prevent the Trustees from raising any part of the said moneys to be used for the said ordinary and administrative purposes from rentals or charges for the use of the water, which rentals or charges may be based upon the quantity of water actually used by the owners of the said lands respectively, or upon the number of acres of the said lands actually being irrigated by each of the said owners.

(2.) Notwithstanding anything heretofore in this section contained, during the time when survey or construction work is proceeding, and prior to the actual delivery of water through the system to any of the lands within the territorial limits, and subject as aforesaid to the provisions of the last preceding section, it shall be lawful for the Trustees to raise any moneys actually needed for the said ordinary and administrative purposes of the corporation, or for the payment of any debt created for the said purpose (in such amount as the Board may approve), by the levy of a rate upon all the lands, exclusive of improvements, within the territorial limits.

91. (1.) Forthwith after the creation of any public irrigation corporation and after any annual election held under this Act, the Assessor shall prepare an assessment roll, in which, after diligent inquiry, he shall set down, according to the best information to be had, and substantially in the manner shown in Form 5 of the Schedule of this Act,—

- (a.) The names and addresses of all persons owning, claiming, or having possession of any land within the territorial limits;
- (b.) A full description of each part or parcel of the said land separately owned, claimed, or possessed by the said persons, showing the extent and value thereof (and for the purpose of this clause "value" shall mean the actual cash value); and in the event that the Assessor deems that the benefits that will accrue to the respective owners of the said parts or parcels by reason of the establishment of the system do not substantially accord with the respective valuations given to the said parts or parcels, he may classify them into various classes according to the said benefits, and in such case he shall set down opposite the description of each of the said parts or parcels the particular class into which it falls, and the particular percentage of the said respective

valuations which is to be taken as the basis for settling, levying, and imposing all rates or taxes that are, under this Act, properly chargeable upon the said lands:

- (c.) The approximate number of acres (if any) in each of the said parts or parcels which are irrigable and cultivable and which are situate so that they can be supplied with water from the works of the corporation, and are not more than one-half mile distant from some existing distributary canal, ditch, flume, or pipe-line of the system; and in the event that the Assessor deems that the benefit to the said irrigable and cultivable lands from the operation of the system is not a substantially uniform one, he may classify the said lands into not more than three classes according to the said benefit, and in such case he shall set down opposite the description of each of the said parts or parcels, into which one of such classes it belongs, and also the relative percentage of the said benefit derived by the lands in that class, treating the benefit derived by the lands in the highest class as one hundred per cent.: Provided always that, in any assessment roll, the charge in respect of the lands in the lowest class shall not be at a less rate than one-half of the charge in respect of the lands in the highest class.

(2.) The data necessary for the preparation of the first assessment roll made in any public irrigation corporation shall be collected within ninety days after the creation of the corporation, and that for subsequent assessment rolls shall be collected on or before the first day of June in each calendar year thereafter.

(3.) The Trustees shall permit the Assessor as many deputies to be appointed by him as will, in the judgment of the Trustees, enable him to complete the assessment roll within the time prescribed. The appointment and compensation of the said deputies shall be subject to the approval of the Board.

When roll to be completed.

(4.) The Assessor shall complete the said assessment roll and deliver it to the Trustees within thirty days after the time set in subsection (2) hereof for the collection of the data for the said roll.

92. The officers of any public irrigation corporation shall be entitled to receive such information from the books and records of any Land Registry Office or from the Clerk of any municipality respecting real property within the territorial limits as may be required for the purposes of taxation or matters incidental thereto, at a charge to be fixed in each case by the Registrar or Clerk, as the case may be, upon the basis of a reasonable recompense to the office for the time of the officer detailed to afford such information. No reduction shall, however, be made in the ordinary charges when less than ten searches are made on the same occasion.

Information in Provincial and municipal offices to be available.

93. The Trustees of any public irrigation corporation may, if they think fit, by resolution, adopt for any year the assessment roll of

Adoption of assessment roll of previous year.

the previous year, with such amendments and alterations as are by this section made permissible. The adopted assessment roll as amended and altered shall, upon the passing of such resolution, be deemed to be the assessment roll prepared by the Assessor for the year under the provisions of section 91, and shall be subject to the like incidents, powers of revision and appeal as hereinafter mentioned. The Assessor may, before the passing of any resolution in pursuance of this section, make in red ink (noting in each case upon the margin the date of making the same) upon the assessment roll so proposed to be adopted the following alterations and amendments, and no other:—

- (a.) Where real property has, since the date of the preparation of the said assessment roll, changed ownership either by transfer or by devolution of interest, the name or names of the new owner or owners shall be substituted for the name or names appearing upon the said assessment roll;
- (b.) Where any manifest error or misstatement in the name of the person assessed or in the description or particulars of the real property exists upon the said assessment roll, the correct name, description, or particulars may be inserted;
- (c.) Where, since the preparation of the said assessment roll, by reason of a clearing of timber-growth, by drainage, or by other means of reclamation, the extent of lands to be classed as irrigable and cultivable in any part or parcel of land separately assessed has been increased by over two acres, the entry in the said roll respecting the said part or parcel may be amended by adding thereto the said increase in the acreage.

Evidence of transfer. **94. (1.)** In case of the transfer of or devolution of interest in any lands affected, a declaration under the "Canada Evidence Act" of the vendor or vendee shall be sufficient evidence of the transfer for the purposes of assessment or of altering any assessment roll; and the Assessor is hereby authorized to take such declaration in the form following:—

Form of declaration.

I, *A. B.*, do solemnly declare that [*state the fact or facts declared to*]; and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me this day }
of , 19 }
..... }
J.P. }

**Assessment when
declaration of
transfer not made.**

(2.) In case of such transfer or devolution of interest, and a declaration by the vendor or vendee or other interested party has not been made in accordance with this section, then the assessment shall be held to have been properly made if made against such vendor to whom the said property was assessed upon the last revised assessment roll.

Trustees as Court of Revision.

95. (1.) The assessment roll of every public irrigation corporation as prepared by the Assessor shall be revised and equalized by the Trustees thereof, sitting as a Court of Revision, and may be corrected by the said Trustees at any meeting held, as hereinafter specified, for the purpose of hearing complaints against the assessment as made by the Assessor, and for revising and correcting the assessment roll. Revision of assessment roll.

(2.) The Trustees shall, within twenty days after the latest date set for the return of the said roll by the Assessor, cause to be transmitted by post or leave to every person named thereon whose address is known to them a notice giving a copy of the entry on the said roll respecting the lands of the said person, and stating the day and place set for the hearing of complaints respecting any of the entries on the said roll. Copy of entry and notice to ratepayers.

(3.) The day so appointed shall not be less than twenty nor more than forty days after the date of the mailing and giving of such notices for the hearing of the said complaints. Day of hearing.

(4.) Notice of the day and place of holding the said Court shall be given by the Trustees by advertisement in at least one issue of the Gazette and of a local newspaper, the said advertisement to appear in either case at least thirty days prior to the day set for the said hearing. Notice of hearing.

(5.) Any person complaining of an error or omission in regard to himself as having been wrongfully inserted on or omitted from the roll, or having been undercharged or overcharged by the Assessor in the roll, may personally, or by means of a written communication over his signature, or by a solicitor, or an agent authorized by him in writing to appear on his behalf, come before the Court of Revision and state his ground of complaint; and the Court may confirm or correct the assessment— Objections.

(a.) If he shall first have given notice in writing to the Secretary of the Trustees of the ground of his complaint at least ten days before the date of the first sitting of the Court of Revision:

(b.) If any person assessed under this Act thinks that any person within the same assessment limit has been assessed too low or too high, or has been wrongfully inserted on or omitted from the roll, he may within the time limited by the last preceding subsection give notice in writing to the Secretary of the corporation, and the Secretary shall forward by post a notice to such person of the time when the matter will be tried by the Court of Revision, and the matter shall be decided in the same manner as complaints by a person assessed.

(6.) At the time and place appointed the Court shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum. Sittings of Court.

The Court may adjourn their sittings from time to time as a majority of members decides, giving due consideration to the convenience of appellants.

Minutes. (7.) The Court shall keep a minute book with entries in ink of their proceedings.

Procedure. (8.) The provisions of subsection (2) of section 25 respecting the organization and procedure of Courts for the Correction of Voters' Lists shall be followed as nearly as may be in the organization and procedure for the said Court of Revision.

Witnesses. (9.) The said Court or some member thereof may administer an oath to any party or witness before his evidence is taken, and may issue a summons to any person to attend such Court as a witness. If the person summoned to attend the Court as a witness fails, without good and sufficient reason, to attend (having been tendered his actual travelling expenses, and compensation for his time at the rate of two dollars a day), he shall incur a penalty of twenty dollars, to be recoverable with costs by and to the use of any person suing for the same. If any person fails to appear when required by the Court of Revision, either in person or by his solicitor or an agent, the Court may proceed *ex parte*.

Determination. (10.) The Court, after hearing the said complaints (if any) as well as the Assessor, and such evidence as may be adduced, shall alter or amend or confirm the roll.

Appeal from Court of Revision. **96.** Any person dissatisfied with the decision of the Trustees sitting as a Court of Revision may appeal therefrom to the Board, in which case—

Notice of appeal. (a.) He shall, within one week after the decision, in person or by his solicitor, or agent authorized in writing, serve upon the Secretary of the Trustees a written notice of his intention to appeal:

Day for hearing. (b.) The Board shall appoint a day for hearing the appeal, notice of which shall be given to the Secretary of the Trustees:

Hearing of appeal. (c.) The Board or any member thereof shall hear the appeal and the evidence adduced upon oath before it or him, at the time and place appointed, in a summary manner, and may adjourn the hearing from time to time and defer judgment thereon at pleasure, but so that all appeals may be determined within two months from the final revision by the Court of Revision of the assessment roll; and if the appeal be not decided within the time herein limited, the decision of the Court of Revision shall stand:

Papers to be produced. (d.) The Secretary of the Trustees or the Assessor shall, on any appeal from the decision of the Court of Revision, produce before the Board or a member thereof, at the time and place appointed for hearing the appeal, the assessment roll and all papers and documents in his possession in any way affecting the matter:

(e.) The costs of such appeal shall be in the discretion of the Board or member hearing the appeal, who shall fix the amount thereof, and order by and to whom the same shall be paid:

(f.) There shall be an appeal from the decision of the Board to the Court of Appeal upon any point of law raised upon the hearing of the appeal by the Board. Such appeal shall be determined and judgment given thereon within the time limited by subsection (c) hereof for the determination of an appeal, or within fourteen days from the giving of the judgment appealed from, or at the sitting of the Court of Appeal next following the pronouncing of said judgment, and for which notice of appeal can be given under the Statute or rules governing appeals to the said Court, otherwise such decision shall stand. The rules of the Supreme Court as to appeals to the Court of Appeal shall apply to appeals under this subsection. Appeal to Court of Appeal.

97. The assessment roll as revised or confirmed and passed by the Court of Revision shall, except in so far as the same may be further amended on an appeal to the Board or to the Court of Appeal, be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error, or misstatement in the notice required, or the omission to deliver or transmit such notice; and the roll shall for all purposes be taken and held to be the assessment roll of the corporation, subject, however, to such alterations (if any) as are on appeal to the Board or to the Court of Appeal, or in pursuance of the power contained in subsections (a) and (b) of this section, until a new roll shall have been revised, confirmed, or passed by the Trustees sitting as a Court of Revision: Revised or confirmed roll binding.

(a.) Where real property has, since the date of the revision of the said assessment roll, changed ownership either by transfer or by devolution of interest, the name or names of the new owner or owners shall be substituted for the name or names appearing upon the said assessment roll;

(b.) Where any manifest error or misstatement in the name of the person assessed or in the description or particulars of the real property exists upon the said assessment roll, the correct name, description, or particulars may be inserted.

The alterations herein authorized shall be made by the Assessor appointed as aforesaid for the district or by the Secretary of the Trustees, and there shall be noted by him in red ink, in the margin of the assessment roll, against every alteration, the date of the making of the same. Alterations on roll.

98. (1.) The Trustees shall in every year pass a by-law or by-laws for levying taxes, assessments, or rates on the property assessed to provide and pay for— By law for levying rates.

- (a.) The sums required to be paid in that year under any by-law for borrowing money upon debentures or otherwise to be expended for the first cost of the system or for permanent improvements thereof, or generally for the purposes set out in subsection (a) of section 90;
- (b.) The sums required to be paid under any by-law for the ordinary maintenance and operation of the system and for ordinary administration purposes.

(2.) The by-law or by-laws first passed after the creation of the corporation for levying taxes, assessments, or rates as aforesaid shall provide for the raising of an amount sufficient to repay the expenses incurred by the Minister, the Board, and other officers of the Department in connection with the project, and not already paid out of the fund mentioned in subdivision (f) of subsection (4) of section 6 of this Act.

(3.) Any by-law or by-laws passed for the purposes mentioned in this section shall distinguish between what amount is to be levied, taxed, or assessed for the sums mentioned in clause (a) and what for the sums mentioned in clause (b) respectively of subsection (1) hereof.

Duties of Collector.

99. After the final revision of the assessment roll and the passage of a by-law levying a rate, the Secretary of the Trustees or some other officer of the corporation appointed by the Trustees shall make out a collector's roll or rolls, which shall contain all the information required by this Act, or otherwise to be entered therein, tabulating it as follows:—

- (a.) The name and address of every person assessed;
- (b.) The description of the rate, tax, or assessment;
- (c.) The land assessed and taxed;
- (d.) The value or sum of money at which the land is assessed, and the rate of taxation under each heading;
- (e.) The total amount of the person's assessment and taxes;
- (f.) The date upon which the tax is payable in order to entitle the person to an abatement;
- (g.) The total amount of the tax if paid on or before the date which entitles a person to an abatement.

Secretary to furnish every person with statement of taxes.

100. (1.) The Secretary of the Trustees or some other officer of the corporation shall, as the Trustees may direct, either transmit by post or leave for every person, or his or her agent in case of the person's absence, who is named on the assessment roll a statement in writing showing the taxes due by him or her, tabulated as set out in the last preceding section, and the time when and place where the same are payable.

(2.) The said officer shall transmit by post, registered, a true copy of such statement to every person from whom he shall have received during the then current year a request (in writing) for such copy: Provided that such request shall contain a short description cover-

ing the land in respect to which such copy may be required, and shall be accompanied by a fee of twenty-five cents to cover costs of making, mailing, and registering such copy.

101. (1.) The Collector, upon receiving his collector's roll or other instructions to collect, shall proceed to collect the rates or taxes therein mentioned. Collection of taxes.

(2.) He shall attend at the time and place specified in the notice mentioned in the last preceding section to receive taxes, which must be paid in currency or gold or silver coin; he must mark the date of payment of any assessment in the assessment-book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. Collector to attend at time and place.

(3.) On the first Monday in each month the Collector must settle with the Secretary of the Trustees for all moneys collected for assessments, and pay the same over to the Treasurer of the corporation; and within six days thereafter he must deliver to and file in the office of the Secretary a statement under oath, showing: (a) An account of all his transactions and receipts since his last settlement; (b) that all money collected by him as Collector has been paid. The Collector shall also file in the office of the Secretary, on said first Monday in each month, the receipt of the Treasurer for the money so paid. Collector to report once a month.

(4.) On or before the third day of January in every year, as the Trustees may appoint, every Collector shall return his roll to the Secretary of the Trustees, and shall pay over the amount payable to the Trustees, specifying in a separate column on his roll how much of the whole amount paid over is on account of each respective rate. When roll is to be returned by Collector.

(5.) If any of the taxes mentioned in the collector's roll remain unpaid, and the Collector be not able to collect the same, he shall deliver to the Secretary of the Trustees an account, under oath, of all the taxes remaining due on the roll; and in such account the Collector shall show opposite to each assessment the reason why he could not collect the same. Account of unpaid taxes.

(6.) Upon making oath before the Chairman of the Trustees that the sums mentioned in such account remain unpaid, and that he could not collect the same or any part thereof, the Collector shall not be held accountable therefor. Collector's discharge from liability in respect of unpaid taxes, how obtained.

(7.) In case the Collector omits, fails, or is unable to collect the taxes or any portion thereof by such day as may be appointed by the Trustees, the Trustees may, by resolution, authorize the Collector, or any other person in his stead, to continue the collection of the unpaid taxes in the manner and with the powers provided by law for the collection of taxes; but no such resolution or authority shall alter or affect the duty of the Collector to return his roll, or shall in any manner whatsoever invalidate or otherwise affect the liability of the Collector or his sureties. Authority to Collector to continue collection of taxes in arrear, how conferred.

Abatement.

By-law providing for
abatement on pay-
ment by certain date.

102. The Trustees may pass a by-law for naming and appointing a day upon or before which the assessed tax shall be payable in order to entitle the taxpayer to a rebate not exceeding one-sixth part of the amount paid, and a later date or dates, payments on or before which shall entitle the taxpayer to a smaller rebate for any such tax or portion of such tax remaining unpaid: Provided always that the date so named by the Trustees and mentioned in such by-law must be so fixed that at least thirty days shall elapse between the transmitting or the delivery to the person assessed of the notice from the Secretary of the Trustees or other officer of the corporation as provided in subsection (1) of section 100 of this Act, and the date upon which the tax shall be payable in order to entitle a person to an abatement; failing which any such by-law shall be void, and the person paying the said tax on or before the first day of December of the calendar year in which it becomes due shall be entitled to an abatement of one-sixth of the amount thereof, any by-law of the corporation to the contrary notwithstanding.

When Taxes due and delinquent.

Taxes due 1st
January.

103. (1.) The taxes, assessments, or rates imposed or levied for any year shall be considered to have been imposed and to be due on and from the first day of January of the then current year, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied.

Interest on overdue
taxes.

(2.) The rates and taxes on land, special or otherwise, which are unpaid on the thirty-first day of December in each year shall bear interest therefrom, until paid in full, at the rate of eight per centum per annum thereon: Provided, however, that in case a special rate is levied for the purpose of paying interest or interest and sinking fund on money borrowed, when such rate is made payable at a certain date during the year, such rate, if unpaid at that date, shall bear interest at the rate of eight per centum per annum from such date until paid.

Interest on special
rates.

Time taxes become
delinquent.

(3.) All taxes on real property remaining unpaid on the thirty-first day of December in the year following that in which the taxes are due shall be deemed to be delinquent on the said thirty-first day of December.

Interest on
delinquent taxes.

(4.) All taxes which become delinquent at the date mentioned in the preceding subsection shall thereupon bear interest at the rate of eight per centum per annum from the thirty-first day of December in the year in which they became due until paid or recovered; such added interest shall be deemed a charge upon the property of the person whose taxes are delinquent, in all respects as if the said interest had originally formed part of the taxes assessed thereon, and may be recovered as a part of the delinquent taxes.

(5.) On or before the first day of March in each year the Collector shall mail to the last-known address of every person assessed on his roll whose taxes have become delinquent as aforesaid a notice stating that his taxes have become delinquent, and that interest at the rate of eight per centum per annum will be added thereto until paid or recovered; and if the said taxes and interest are not paid within three months from the date of such notice, the lands of the said person in respect whereof the taxes remain unpaid in his assessment district will be liable to be sold, and that no further notice will be given except by publication in the Gazette and a newspaper as herein-after provided.

Notice of delinquency.

Lien on Land.

104. Every assessment made, every rate or tax imposed or levied, and every rental toll, or charge fixed under any of the provisions of this Act shall form a lien and charge upon the land upon or in respect of which the same shall have been made, imposed, levied, or fixed, having preference over any claim, lien, privilege, or encumbrance of any party except the Crown, and any priority existing in respect of other rates, taxes, and assessments, and shall not require registration to preserve it.

Lien on real property.

105. The provisions of sections 279 to 304, inclusive, of chapter 170 of the "Revised Statutes of British Columbia, 1911," being the "Municipal Act" and amending Acts, which sections treat with matters under the headings "Sale of Land for Taxes," "Statements as to Arrears of Taxes," "Recovery of Taxes by Action," and "Lands in the Municipality sold for Arrears of Provincial Taxes," shall, when not inconsistent with the subject-matter of this Act, mutatis mutandis apply to the sale of land for taxes, statements as to arrears of taxes, recovery of taxes by action, and lands within the territorial limits sold for arrears of Provincial taxes under this Act, references therein to any municipality or to the Council, Clerk, or Collector thereof being taken to refer to any public irrigation corporation or to the Trustees, Secretary of the Trustees, or Collector thereof respectively.

Sale of lands, arrears, recovery of taxes, etc.

Executions against Corporations.

106. Any writ of execution against a corporation may be endorsed with a direction to the Sheriff, or to the Bailiff of a County Court, in case of a judgment recorded therein, to levy the amount thereof by rate, and the proceedings thereon shall be the following.

Writ of execution may be enforced by levy of rate.

107. (1.) No writ of execution against a corporation shall be issued without leave of a Judge of the Supreme Court, to be obtained on summons for such purpose, and every such Judge shall have discretion to permit such writ to issue at such time and upon such

Leave of Judge required.

conditions as he shall think proper, or he may refuse to permit such writ to be issued, or he may suspend execution thereunder upon such terms and conditions as he may think proper or expedient, having regard to the reputed insolvency of such corporation and the security afforded to the person entitled to the judgment in respect of which such writ is sought by the registration of such judgment.

Judge may refuse writ.

(2.) Every such Judge, upon being satisfied by affidavit by some competent person on behalf of the corporation that it is the intention of the corporation to appeal with due diligence from such judgment, may refuse to permit any writ of execution for costs to be issued unless security shall be given to the satisfaction of such Judge by the person to whom such costs are payable for the repayment of such costs to the said corporation in the event of such judgment being reversed or varied upon appeal.

Appeal.

(3.) An appeal from the decision of any such Judge with reference to any such application as is referred to in this section may be taken by either party, under the same rules as may for the time being apply to any other order made by a Judge in Chambers.

Copy of writ to be left with Secretary.

108. The Sheriff shall deliver a copy of the writ and endorsement to the Secretary of the corporation, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the Sheriff's fees and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service.

If unpaid, Sheriff strikes rate.

109. In case the amount, with interest thereon from the day mentioned in the statement, be not paid to the Sheriff within one month after the service, the Sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general purposes of the corporation, strike a rate in the dollar sufficient to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees, and the Collector's percentage up to the time when such rate will probably be available.

Precept to Collector to levy rate.

110. The Sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the Collector of the corporation, or person appointed as such, and shall annex to every precept the roll of such rate, and shall by such precept, after reciting the writ and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the Collector to levy such rate forthwith.

Return of precept with amount levied.

111. In case at the time of levying such rates the Collector has a general rate roll delivered to him, he shall add a column thereto, headed "Execution Rate in *A. B. v. the Corporation*," and shall insert therein the amount in such precept required to be levied on

each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall with all reasonable expedition return to the Sheriff the precept with the amount levied thereon after deducting his percentage.

112. The Sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Secretary for the general purposes of the corporation.

Surplus paid into Treasury of corporation.

113. The Secretary, Assessors, and Collector of the corporation shall, for all purposes connected with the carrying into effect, or permitting or assisting the Sheriff to carry into effect, the provisions of this Act with respect to such executions, be deemed to be officers of the Court out of which the writ was issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, or otherwise, to compel them to perform their duties hereby imposed upon them.

Officers of corporation to be officers of Court.

114. Nothing in this Act or any other Act shall in any way affect such levy as aforesaid.

Act or Acts not to affect levy.

115. In the event of any corporation being ordered or required to pay into the Supreme Court or any County Court any moneys as security for the payment of any judgment or other debt, or as security for any damages or costs, or as security for the costs of any appeal from the decision of any Court or any arbitrator, Trustees of corporation may pass by-laws for authorizing, under the following conditions, the borrowing from any person or corporation of such sums of money as may from time to time be requisite for the purpose of making any such payment into Court or of refunding the amount thereof to current revenue, and for the purpose of paying all or any of the costs, charges, and expenses of the said corporation in connection with any such actions:—

Corporation may raise money to pay into Court, etc.

- (a.) That the money so borrowed shall be repayable and repaid at a time not later than shall be agreed upon with the lender, the corporation to be at liberty to pay all or any part of the said money at any time before such date;
- (b.) That the obligation given to the lender shall be in writing, signed by the Trustees or any two of them and the Secretary of the Trustees, and shall bear the corporate seal;
- (c.) That the Trustees shall in the by-law have named the amount to be so borrowed, the rate of interest not exceedable, the date on or before which the principal and interest shall be payable, and the form of the obligation to be given as an acknowledgment of the liability;
- (d.) That in the event of the moneys in respect of which any such loan shall be raised being refunded or paid out of Court to the corporation, such moneys shall be applied in payment or reduction of such loan:

(c.) That in the event of the moneys in respect of which any such loan shall be raised being retained in Court or applied in payment or part payment of any moneys found due from the corporation to the plaintiff in the action in respect of which such payment into Court was made, such loan shall, at the option of the Trustees of the corporation, either become a liability payable and to be paid out of the revenue for the then current year, or the said Trustees may, under the formalities required by law, pass by-laws for contracting debts, or borrowing money or otherwise, and for levying rates for payment of such debts, on the rateable lands and improvements, either or both, or the rateable real property of the corporation, for the purpose of raising the moneys that may be requisite for repaying any of such loans:

Provided that no such by-law shall be valid which is not in accordance with the restrictions and provisions contained in sections 62 to 65 of this Act, except that such by-law need not be submitted to the electors of the corporation for confirmation.

Exemption from seizure.

116. The corporate seal, tools, and office furniture, fixtures, and fittings of every corporation shall be exempt from forced seizure or sale by any process of law.

Exemption of Works from Taxation.

Exemption from taxation.

117. The property of every corporation shall be exempt from taxation under any Provincial or municipal law or by-law for a period of twenty years from the date of the incorporation of such corporation.

Rules to supplement Act.

Lieut. Governor in Council may supplement Act.

118. The Lieutenant-Governor in Council may from time to time make, alter, and repeal rules and regulations for carrying out the spirit, intent, meaning, and purpose of this Act, including matters in respect whereof no express or only partial or imperfect provision has been made.

SCHEDULE.

"PUBLIC IRRIGATION CORPORATION ACT."

FORM No. 1.

(Section 6.)

In the Matter of the "Public Irrigation Corporation Act," and in the Matter of the Public Irrigation Corporation.

PETITION.

To the Lieutenant-Governor in Council of the Province of British Columbia:

The petition of the undersigned humbly sheweth that—

1. Your petitioners are desirous that a public Irrigation corporation be created under the above-entitled Act, by the name of the "Public Irrigation Corporation," in and for the territorial limits shown on the attached plan [or sketch, as the case may be] and described as follows: [here give boundaries and approximate area of land included].

2. The lands to be supplied with water are: [here give description and approximate area of irrigable lands, and, if the said lands are not all contiguous, give location and approximate area of the several separate tracts].

3. The river, creek, lake, reservoir, stream, or other source or sources from which the water-supply is to be taken are: [naming it or them].

4. A certificate from the Provincial or Municipal Assessor [as the case may be] giving the names of the owners and the assessed value of each parcel of land, exclusive of improvements, in the territorial limits of the proposed Corporation is attached to this petition.

5. A list of the Irrigation and water-supply systems which it is proposed to acquire and construct is as follows: [here give description of works which it is planned to construct or acquire, naming briefly the location of headgates, reservoirs (if any), ditch-line, etc.].

6. The further information which is considered as having a bearing on the advisability of setting apart the area within the limits above described as a public Irrigation corporation is as follows: [here give any information that has a direct bearing on the subject].

7. This petition is accompanied by a cash deposit in sum of \$, which amount has been approved by the Minister [or a bond in the sum of \$, which bond has been approved by the Minister], to cover the probable cost of organizing the Corporation, exclusive of investigations by officers of the Department.

8. The names and addresses of five persons who will act as a committee to represent the petitioners in all matters relating to the petition, and to any one of whom any unused surplus from the deposit (if any) made under the last preceding subsection may be returned, are as follows:

9. The description, area, and assessable value of the parts or parcels of land within the above-named limits, and which your petitioners respectively are entitled to represent on the said petition (under subsection (2) of section 6 of the "Public Irrigation Corporation Act"), and the status of the ownership or occupancy, the address and date of signature of each of the said petitioners, are shown opposite their respective signatures subscribed hereto.

10. The said parts or parcels of land constitute more than one-half in value of all the lands within the territorial limits herein proposed for the said Corporation.

And your petitioners, as in duty bound, shall ever pray.

Description of each Parcel of Land for which the Petitioner signs.	Area of the same.	Assessed Value.	Signatures.	Status of Ownership or Occupancy.	Address.	Date of Signature.

I, A. B., do solemnly declare that all the signatures [or if the case so requires, such-and-such signatures, describing them as initialed or otherwise marked by each declarant] affixed to the above petition are the genuine signatures of the persons whose they purport to be.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at this day }
of , 19 }

"PUBLIC IRRIGATION CORPORATION ACT."

FORM No. 2.
(Section 24.)

VOTERS' LIST

For Public Irrigation Corporation. Precinct.
Dated , 19 .

Surname of Person thought to be entitled to vote.	Christian Name of same Person.	Status of Ownership or Occupancy.	Description of each Parcel of Land entitling such Person to vote.	Area of each such Parcel.	Value at which each such Parcel is assessed.	Total Value assessed to each Person.	Number of Votes each Person entitled to cast.

I, A. B., Returning Officer for the above-named Corporation, do solemnly declare that, to the best of my knowledge, the foregoing is a correct list of all persons who are entitled to vote or be represented at the coming election.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

Declared before me at this day }
of , 19 }

"PUBLIC IRRIGATION CORPORATION ACT."

FORM No. 3.
(Section 30.)

We hereby nominate [*names and descriptions of person or persons nominated*] as a candidate at the election now about to be held for Trustee [or Assessor, or as the case may be] in the Public Irrigation Corporation.

A. B.
C. D.

Dated this day of , 19

I consent to the above nomination.

E. F.

"PUBLIC IRRIGATION CORPORATION ACT."

FORM No. 4.
(Section 30.)

NOTICE.

Public Irrigation Corporation, to wit:

Public notice is hereby given to the electors of the Corporation aforesaid that a poll has become necessary at the election now pending for the same, and that I have granted such poll; and, further, that the persons duly nominated as candidates at the said election, and for whom only, votes will be received, are:—

Surname.	Other Names.	Whether for Trustee, Assessor, or other Officer.	For what Precinct.	Residence.	Rank, Profession, or Occupation.
Brown...	John.....	Assessor.....	.....	.....	Esquire.
Green...	Henry.....	Trustee.....	.....	.....	Merchant.
Jones...	Wm. David...	Trustee.....	.....	.....	Solicitor.
Merton...	James.....	Trustee.....	.....	.....	Grocer.
Smith...	Henry Herbert	Assessor.....	.....	.....	Merchant.

(As in the Nomination-papers.)

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at this day of , 19

(Signature.) A. B.,

Returning Officer.

"PUBLIC IRRIGATION CORPORATION ACT."

FORM No. 5.
(Section, 91.)

ASSESSMENT ROLL FOR THE PUBLIC IRRIGATION CORPORATION.

Description of each Part or Parcel under Separate Ownership.	Area of same in Acres.	Name of owner.	Address of owner.	Actual Cash Value.	Classification and per Cent. of Cash Value taken for General Assessment Purposes.	Acres of Irrigable and Cultivable Land in same.	Classification and relative per Cent. in which Taxes on Irrigable Lands are borne.
Sub-lot 5, Map No. 246, of Lot 157, Group 1, Osageos Division of Yale District	10	M. N. Brown	Rural Route No. 1	\$2,500	Class A—100 per cent.	5	Class A—100 per cent.

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