

UNEDITED

The Irrigation Districts Act

being

Chapter 163 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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SCHEDULE

CHAPTER 163

An Act respecting Irrigation

SHORT TITLE

Short title

- 1 This Act may be cited as *The Irrigation Districts Act*.

1919–20, c.84, s.1; R.S.S. 1920, c.163, s.1.

INTERPRETATION

Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

“Board”

1. “**Board**” means a board of trustees elected or appointed under the provisions of this Act;

“District”

2. “**District**” means any irrigation district created under the provisions of this Act;

“District engineer”

3. “**District engineer**” means a member or associate member of the Engineering Institute of Canada, or of some similar institution requiring equal qualifications from its members, who is appointed to the position of district engineer under this Act;

“First election”

4. “**First election**” means an election held under this Act for the purpose of taking a vote as to the formation of an irrigation district, and at which, when necessary, may also be elected the first board;

“Irrigation Act”

5. “**The Irrigation Act**” means the Act of the Parliament of Canada, known as *The Irrigation Act*, chapter 61 of *The Revised Statutes of Canada 1906*, and any amendments thereto which may have been or may hereafter be passed;

“Minister”

6. “**Minister**” means the Minister of Highways;

“Parcel of land”

7. “**Parcel of land**” means a quarter section of land according to the system of surveys of *The Dominion Lands Surveys Act* or any smaller area owned by one person;

“Owner”

8. “**Owner**” means any prospective owner under an agreement of sale or, if no such person exists, the registered owner, and with respect to crown lands means an occupant thereof of holding under homestead or pre-emption entry, and the expressions “**own**” or “**owned**” have a meaning similarly restricted or extended (as the case may be);

“Voter”

9. “**Voter**” means any person duly qualified under the provisions of this Act to vote at any election or upon the taking of any vote under the provisions hereof;

“Works”

10. **“Works”** means any dike, dam, weir, floodgate, breakwater, drain, ditch, basin, reservoir, canal, tunnel, bridge, culvert, crib, embankment, headwork, flume, aqueduct, pipe, pump, and any contrivance for carrying or conducting water, or other work which is authorised to be constructed under the provisions of this Act.

1919–20, c.84, s.2; R.S.S. 1920, c.163, s.2.

APPLICATION OF ACT**Existing districts**

3 All irrigation districts heretofore constituted or erected are hereby continued and shall be subject to the provisions of this Act.

1919–20, c.84, s.3; R.S.S. 1920, c.163, s.3.

ORGANISATION OF DISTRICTS**Irrigation districts**

4 An irrigation district may consist of one parcel of land or several isolated parcels of land.

1919–20, c.84, s.4; R.S.S. 1920, c.163, s.4.

Petition for formation

5(1) A petition (form A) for the formation of any irrigation district may be forwarded to the minister.

(2) The petition shall define the area of the proposed setting out district by setting out each parcel of land to be included therein.

(3) The petition shall be signed by a majority of the owners of land in the proposed district of the full age of twenty-one years and such majority must collectively own at least one-half the area of the lands in the said district.

(4) The petition shall be accompanied by a statutory declaration as therein particularised.

1919–20, c.84, s.5; R.S.S. 1920, c.163, s.5.

Deposit to accompany petition

6 The petition shall be accompanied by a sum of money to be determined by the minister sufficient to carry the estimated expenditures necessary to the formation of the district up to the time of the election or appointment of the board.

1919–20, c.84, s.6; R.S.S. 1920, c.163, s.6.

Engineer’s report

7 The petition shall further be accompanied by evidence of the feasibility of operating the proposed district as an irrigation district, which evidence shall be or include the report thereon of an engineer qualified to make the same.

1919–20, c.84, s.7; R.S.S. 1920, c.163, s.7.

Publication of application

8(1) Upon the receipt of such petition in the proper form by the minister he shall within one month cause a notice to be published in *The Saskatchewan Gazette* stating that application has been made for the formation of an irrigation district as therein described, and shall in the notice give the proposed district a name and a number.

(2) A like notice shall be published by the petitioners not less than once each week for three consecutive weeks in a newspaper of general circulation within the district and named by the minister.

1919-20, c.84, s.8; R.S.S. 1920, c.163, s.8.

Appointment of returning officer

9(1) If at the expiration of two weeks from the last publication of the newspaper notice no substantial objection to the erection of the proposed district has been made, the minister shall appoint an owner, resident in the proposed district, to be returning officer for the purpose of taking a vote of the owners of land within the proposed district and others qualified to vote under this Act as to the formation of such district and for the election of a board.

Objections to erection of district

(2) The minister shall be sole, and uncontrolled judge as to whether any objection is of a substantial nature or not.

1919-20, c.84, s.9; R.S.S. 1920, c.163, s.9.

Minister may alter district

10(1) At any time prior to the appointment of a returning officer, as hereinafter provided for, the minister may make such changes in the proposed district as he deems proper and just, either by excluding from the proposed district any land which he does not consider susceptible of irrigation or likely to be benefited thereby or by the inclusion of any lands which he does consider to be susceptible of irrigation from the same source and can be effectively irrigated by the proposed system.

(2) The effect of any alteration in the contents of any district by the minister shall be to substitute the district as so altered for the district as originally proposed in the petition.

1919-20, c.84, s.10; R.S.S. 1920, c.163, s.10.

NOMINATIONS FOR BOARD OF TRUSTEES

Notice by returning officer

11(1) The returning officer shall immediately upon his appointment publish once in the aforesaid newspaper a notice of his appointment, and such notice shall state that he will for fourteen days after the date of such publication receive nominations for the board of trustees of the proposed district. Such notice shall recite the conditions to which the nomination paper must conform as stated in subsections (2), (3) and (4).

Nomination paper

(2) The nomination paper shall be in writing (form B), and shall be signed by five owners in the proposed irrigation district, and also by the nominee signifying his acceptance of such nomination.

Number of trustees

(3) The number of trustees shall be three, five or seven as directed by the minister.

Qualification of trustees

(4) Every candidate for trusteeship shall be an owner resident in the proposed district.

1919–20, c.84, s.11; R.S.S. 1920, c.163, s.11.

FIRST ELECTION**Preliminary duties of returning officer**

12(1) Immediately after the time for receiving nominations of trustees has elapsed, the returning officer shall, subject to the directions of the minister, if any, make preparations for the holding of the first election to determine whether or not the irrigation district shall be formed, and to elect the board of trustees therefor.

(2) The returning officer shall:

(a) name a polling place in the proposed district, which place shall be as centrally situated as conveniently may be, or if he deems it advisable for the greater convenience of voters, he may divide the proposed district into two or more polling divisions and name a polling place in and for each such division, and appoint a deputy returning officer therefor;

(b) name the day and hour for taking the vote as to the formation of the proposed irrigation district and for holding an election of trustees;

(c) cause a notice signed by him (form C) to be posted in at least two conspicuous and widely separated places in each polling division and also within all post offices within the proposed district, and shall also cause a copy of such notice to be published at least one week before the time fixed for taking the vote in a newspaper of general circulation within the proposed district or in case there is no such newspaper in a newspaper named by the minister

(d) forward to the minister a certified copy of such notice together with a statutory declaration by the returning officer proving the due posting and publication thereof;

(e) append a deputy returning officer for each polling place and, if necessary, a polling clerk to assist him.

1919–20, c.84, s.12; R.S.S. 1920, c.163, s.12.

Preparation of ballot papers

13 If the candidate nominated for the board of trustees exceed the number of trustees directed by the minister two separate ballots shall be prepared, ballot No. 1 for the vote on the formation of the district, and ballot No. 2 for the election of trustees.

1919–20, c.84, s.13; R.S.S. 1920, c.163, s.13.

Description

14 The ballot papers shall be either printed or written or partly printed and partly written, and separate ballots of different colours shall be provided for the vote on the formation of the district and for the election of trustees.

1919–20, c.84, s.14; R.S.S. 1920, c.163, s.14.

Supply of ballot papers

15 The returning officer shall cause to be printed or prepared a supply of ballots sufficient for the purposes of the election.

1919–20, c.84, s.15; R.S.S. 1920, c.163, s.15.

Form of ballots for formation of districts

16 The ballots for the formation of the district shall be in the following form:

Ballot No. 1.

Irrigation District of _____	Number _____
Irrigation district, Yes:	
Irrigation district, No:	

1919–20, c.84, s.16; R.S.S. 1920, c.163, s.16.

Form of ballots for election of trustees

17 The ballots for the election of trustees shall contain the name of the candidates duly nominated arranged alphabetically in the order of their surnames and shall be in the following form:

Ballot No. 2.

Trustees.
Andrews, Harry
Black, William
Davies, Edward
Foster, Henry
Lee, Martin
Murray, Alfred
Smith, Frank.

1919–20, c.84, s.17; R.S.S. 1920, c.163, s.17.

Ballot box

18 The returning officer shall procure for each division a suitable ballot box to be made of some dry durable material and each box shall be provided with a lock and key and shall be so constructed that the ballots can be deposited therein and cannot be withdrawn therefrom unless the box is unlocked.

1919–20, c.84, s.18; R.S.S. 1920, c.163, s.18.

Deputy returning officers to be supplied with ballots

19 Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballots which have been prepared for use in the division for which such deputy returning officer has been appointed to act, and such other materials as are necessary in order to enable the voters to mark their ballots.

1919–20, c.84, s.19; R.S.S. 1920, c.163, s.19.

Ballot paper for ballot No. 1 only

20 If the candidates for trusteeship do not exceed the number directed by the minister, the ballot paper shall consist of ballot No. 1 only and the part of the directions for the guidance of voters hereinafter referred to for the voting for trustees shall be omitted.

1919–20, c.84, s.20; R.S.S. 1920, c.163, s.20.

Directions for guidance of voters

21 The returning officer shall before the opening of the poll cause to be prepared such number of printed directions for the guidance of voters as he deems sufficient and such directions shall be printed in conspicuous characters and may be in the follow in form:

Directions for the Guidance of Voters

The voter shall go into the compartment and with the pencil provided in the compartment place a cross (thus X) opposite the word “Yes” or the word “No” according as he wishes to yote for or against the formation of an irrigation district and shall also place a cross in the right hand side opposite the name of each of the candidates for whom he votes, or at any other place within the division which contains the name of such candidate.

The voter shall vote for _____ candidates, and for _____ candidates only (*giving the number of trustee, to be elected as directed by the minister under subsection (3) of section 11 of The Irrigation Districts Act*).

The voter will fold the ballot so as to show the initials of the deputy returning officer signed on the back, and leaving the compartment will, without showing the front of the paper to any person deliver such ballot so folded to the deputy returning officer and forthwith quit the polling place.

If the voter inadvertently spoils the ballot, he may return it to the deputy returning officer who will give him another.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot will be void and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot by which he may afterwards be identified, or if the ballot has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void and not counted.

If the voter takes a ballot out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

1919–20, c.84, s.21; R.S.S. 1920, c.163, s.21.

Voters qualifications

22 The persons entitled to vote shall be:

- (a) the owners of lands situate within the proposed district who are of the full age of twenty-one years;
- (b) the executor or administrator of an owner;
- (c) the guardian of an infant owner
- (d) the agent of an owner under a general power of attorney or under a power of attorney empowering him to deal with the land.

1919-20, c.84, s.22; R.S.S. 1920, c.163, s.22.

PROCEEDINGS AT THE POLL**Poll book**

23 The returning officer shall also furnish to each deputy returning officer a poll book in which shall be entered the record of the poll, and such poll book shall be in the following form:

Poll Book.

For polling division No. _____ of the proposed irrigation district of _____
No. _____

Records of election held this _____ day of _____ 19____.

Name of voter.	Voted	Sworn or refused to swear.

Presence of returning officer

24 On the day fixed for the taking of a poll, the returning officer or the deputy returning officer shall be present at the polling booth in his division at least fifteen minutes before the time fixed for opening the poll.

1919-20, c.84, s.94; R.S.S. 1920, c.163, s.23

Polling booth

25 Each polling booth shall be furnished with a compartment (which may be arranged by hanging a screen) in which the voters can mark their ballots without being seen, and it shall be the duty of the deputy returning officer to see that such compartment provided.

1919-20, c.84, s.25; R.S.S. 1920, c.163, s.25.

Directions to be posted

26 Every deputy returning officer shall before the opening of the poll cause to be posted on the entrance to the polling booth, as well as in the compartment in the polling booth, a copy of the directions referred to in section 21.

1919-20, c.84, s.26; R.S.S. 1920, c.163, s.26.

Copies of section 21 to be posted

27 The secretary shall prior to every election furnish every returning officer with at least two copies of section 21, and it shall be the duty of the deputy returning officer to post the same in conspicuous places at his polling place and to see that they are kept so posted up during the hours of polling.

1919–20, c.84, s.27; R.S.S. 1920, c.163, s.27.

Candidate's agent

28 Any person producing to the deputy returning officer a written authority to represent a candidate as his agent at the polling place shall be recognised as such by the deputy returning officer, but not more than one agent of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes.

1919–20, c.84, s.28; R.S.S. 1920, c.163, s.28.

Persons who may be in polling booth

29 The persons entitled to be present at any one time in any polling booth during the hours of polling shall be the returning officer, the deputy returning officer, the poll clerk and the candidates for trustee and the agent of any such candidate and one voter.

1919–20, c.84, s.29; R.S.S. 1920, c.163, s.29.

Declaration that poll is open

30 At the time fixed for the opening of the poll the deputy returning officer shall declare the poll open and announce that he is prepared to receive votes with reference to the formation of the district and for the candidates nominated for trustees if such election is required.

1919–20, c.84, s.30; R.S.S. 1920, c.163, s.30.

Oath of voter, agent, etc.

31 If required to do so by any owner or occupant or of his own accord, if deemed advisable, the returning officer shall administer an oath to any person applying to vote, which shall be as follows:

“You do swear (*or solemnly affirm*) that you are of the full age of twenty-one years, and that you are an owner of land situated within the proposed irrigation district and that you have not received any reward or offer or promise of reward for voting at this election. So help you God.”

or in the case of a person acting as executor or administrator of an owner, guardian of an infant owner, or an agent acting for an owner under power of attorney, as follows:

“You do swear (*or solemnly affirm*) that you are of the full age of twenty-one years that you are an executor or administrator of an owner, guardian of an infant owner, or an agent of an owner under power of attorney as the case may be (*naming the owner*) duly authorised to vote on behalf of the said owner, that the said owner owns land situate within the proposed irrigation district. that neither you, nor, to the best of your knowledge and belief, the said owner, has directly or indirectly received any reward for the vote you now tender nor do you or to the best of your knowledge and belief the said owner expect to receive any. So help you God.”

1919–20, c.84, s.31; R.S.S. 1920, c.163, s.31.

Enter of oath in poll book

32 If the voter takes the said oath or affirmation the deputy returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book the word, "sworn" or "affirmed" according to the fact.

1919-20, c.84, s.32; R.S.S. 1920, c.163, s.32.

Refusal to take oath

33 Whenever a voter is required to take the said oath or affirmation and he refuses to do so, the deputy returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear". Such person shall not be allowed to vote but shall be required to immediately leave the polling booth, and he should not be allowed to again enter the same on the day of election for any purpose whatever.

1919-20, c.84, s.33; R.S.S. 1920, c.163, s.33.

Ballot to be initialed

34 When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner heretofore provided, the deputy returning officer shall sign his initials on the back of the ballot to which such person is entitled and hand the same to him.

1919-20, c.84, s.34; R.S.S. 1920, c.163, s.34.

Explanation of method of voting

35 The deputy returning officer may and upon request shall, either personally or through his poll clerk, explain to the voter as concisely as possible the proper method of voting.

1919-20, c.84, s.35; R.S.S. 1920, c.163, s.35.

Incapacity of voter

36 In the case of a voter who is incapacitated by blindness or other physical cause from marking his ballot, the deputy returning officer shall, in plain view of the candidates or their agents, cause the vote of such person to be marked on a ballot, for the candidate directed by such person and shall cause the ballot to be deposited in the ballot box.

1919-20, c.84, s.36; R.S.S. 1920, c.163, s.36.

Penalty for omission to initial ballot paper

37 Every deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot as provided by section 34 shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot desired in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid.

1919-20, c.84, s.37; R.S.S. 1920, c.163, s.37.

Penalty for double vote

38 Any person who votes oftener than he is entitled to under the provision of this Act shall incur a penalty of \$50.

1919-20, c.84, s.38; R.S.S. 1920, c.163, s.38.

Evidence of voting

39 The receipt by any voter of a ballot within the polling booth shall be *prima facie* evidence that he has there and then voted.

1919–20, c.84, s.39; R.S.S. 1920, c.163, s.39.

Method voting

40(1) Upon receiving from the deputy returning officer the ballot prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose, and shall then and there mark his ballot in the manner mentioned in the directions contained in section 21 by placing a cross (thus X) on the right hand side opposite the word “yes” or the word “no” according as he wishes to vote for or against the formation of an irrigation district; and shall also place a cross on the right hand side opposite the name of any candidate for whom he desires to vote, or at any place within the division which contains the name of the candidate; he shall then fold the ballot across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer, and leaving the compartment shall without showing the front to anyone or so displaying the ballot as to make known to any person the names of the candidates for whom he has or has not marked his ballot deliver the ballot so folded to the deputy returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates or the marks made by time voter upon the ballot, verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

(2) Whenever the ballot of a voter has been deposited in the ballot box as provided by subsection (1) the deputy returning officer or poll clerk shall enter in the poll book in the proper column or columns after the voter’s name the word “voted.”

1919–20, c.84, s.40; R.S.S. 1920, c.163, s.40.

Secrecy of vote

41 While a voter is in a voting compartment for the purpose of marking his ballot, no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot.

1919–20, c.84, s.41; R.S.S. 1920, c.163, s.41.

Forfeiture of right to vote

42 No person who has received a ballot from the deputy returning officer shall take the same out of the polling place.

(2) Any person, who has so received a ballot and who leaves the polling place without first delivering the same to the said officer in the manner prescribed, shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot but took the same out of the polling place or returned the same declining to vote, as the case may be.

(3) In the latter case the said officer shall immediately write the word “refused” upon such ballot paper and shall preserve the same.

1919–20, c.84, s.42; R.S.S. 1920, c.163, s.42.

Voter may obtain second ballot paper

43 A person claiming to be entitled to vote, who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used as such, may, on delivering to the deputy returning officer the ballot so inadvertently dealt with, receive another in its place; and the said officer shall immediately write the word "cancelled" upon the ballot so delivered to him, and shall preserve the same.

1919–20, c.84, s.43; R.S.S. 1920, c.163, s.43.

PROCEEDINGS AT CLOSE OF POLL**Close of poll**

44 Immediately at the hour of four o'clock (mountain standard time) the deputy returning officer shall declare the poll closed:

Provided that in case, when the poll is so closed, there is a voter in the polling booth, who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose.

1919–20, c.84, s.44; R.S.S. 1920, c.163, s.44.

Opening ballot box

45 Immediately after the close of the poll the deputy returning officer shall, in the presence of the poll clerk, if any, and of such of the candidates or of their agents as are then present, open the ballot box and proceed as follows:

Counting votes

1. He shall examine the ballots individually, and any ballot which is not initialed as herein provided or on which more than one vote is given or on which anything is written or marked by which the voter can be identified, or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, shall not be counted but shall be set aside as rejected;

Objections to be noted

2. The deputy returning officer shall take notice of any objection made by a candidate or his agent or any elector authorised to be present to any ballot found in the ballot box, and shall decide any questions arising out of the objection;

Count

3. The deputy returning officer shall then count up the votes given for and against the formation of the irrigation district and also for each candidate upon the ballots not rejected as aforesaid, and shall enter in the poll book a written statement in words as well as in figures of the number of votes given for and against the formation of an irrigation district and also for each candidate and of the number of ballots rejected and not counted by him, which statement shall be made under the following heads:

- (a) the number of the division and the name and number of the irrigation district and date of election;
- (b) the number of persons who voted at the polling booth;
- (c) the number of votes for and against the formation of the district;
- (d) the number of votes for each candidate for trustees;
- (e) the number of ballots supplied to the deputy returning officer;

(f) the number of rejected ballots for and against the formation of the district;

(g) the number of rejected ballots for trustees;

(h) the number of cancelled ballots and ballots marked "refused"

Signed statement

4. Upon completion of the written statement the deputy returning officer shall make, separate from the poll book, a duplicate thereof, and such written statement and duplicate shall be signed by the deputy returning officer, the poll clerk, if any and such of the candidates or their agents as are present and desire to sign the same;

Certificate of count

5. Every deputy returning officer, upon being requested so to do, shall deliver to each of the persons authorised to attend at his polling place a certificate of the number of votes given at that polling place for and against the formation of the irrigation district and also for each candidate, and of the number of rejected ballot papers;

Sealing packets of ballot papers

6. The deputy returning officer shall then, in the presence of the candidates or their agents or such of them as are present, make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents:

- (a) the ballots counted in connection with formation of irrigation district;
- (b) the ballots rejected in connection with formation of the district;
- (c) the ballots counted for trustees;
- (d) the ballots rejected for trustees;
- (e) the unused, cancelled and refused ballots;

Statement of deputy returning officer

7. Before leaving the polling booth the deputy returning officer shall enter in the poll book the following statement, which shall be signed by him in the presence of the poll clerk, if any, or some other witness:

I, _____, deputy returning officer for Division No. _____ of Irrigation District of _____ No. _____, do hereby declare that to the best of my knowledge and belief I have conducted the election held by me on this date in the manner provided by law, and that the entries required by law to be made in the poll book have been correctly made.

Dated this _____ day of _____ 19____.

.....
Witness.

.....
Deputy Returning Officer.

Sealing ballot box

8. The deputy returning officer shall then place all the said packets, together with the poll book and the municipal voters' list used by him, in the ballot box, which shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals.

Delivery to returning officer

46 The deputy returning officer of each division shall forthwith deliver to the returning officer the sealed ballot box and the duplicate of time written statement entered in the poll book, and upon receipt of time same the returning officer shall give to such deputy a receipt therefor.

1919–20, c.84, s.46; R.S.S. 1920, c.163, s.46.

Returning officer to count and sum up ballots

47(1) At twelve o'clock noon on the day and at the place previously appointed by him for the purpose, the returning officer shall, in the presence of such of the candidates or their agents as are present, break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as are by section 45 required to be taken by a deputy returning officer, and shall make and initial all necessary corrections in the statement entered in the poll book.

Ballot box lost or destroyed

(2) In case the ballot box used in any division has been lost or destroyed, the returning officer shall use the duplicate written statement delivered to him by the deputy returning officer for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates.

Summing up and declaration of results

(3) When the ballot papers have all been examined and counted the returning officer shall forthwith sum up and announce the number of votes which he has allowed for and against the formation of the irrigation district, also the number of votes which he has allowed for each candidate, including any votes allowed under subsection (2), and shall publicly declare the result of the vote in connection with the formation of the drainage district and shall also publicly declare to be elected as trustees the three, five or seven candidates, according to the number of trustees to be elected, who have received the highest number of votes.

1919–20, c.84, s.47; R.S.S. 1920, c.163, s.47.

Returning officer's vote

48 The returning officer may vote both on the question of the formation of the irrigation district and on the election of trustees, and if it appears upon the casting up of votes for the election of trustees that two or more candidates for office have an equal number of votes, the returning officer shall at the time when he declares the result of the poll, give a casting vote so as to decide who shall be elected as trustees.

1919–20, c.84, s.48; R.S.S. 1920, c.163, s.48.

Transmission of ballot boxes to minister

49(1) Forthwith after the first election the returning officer shall transmit to the minister the sealed ballot boxes and duplicate written statements used in the election, and thereafter the said minister shall be responsible for their safe keeping.

(2) At the same time the returning officer shall transmit by registered letter to the minister a solemn declaration (form D) covering the result of the votes taken by him.

1919–20, c.84, s.49; R.S.S. 1920, c.163, s.49.

Irregularities in election

50(1) If any two owners who were entitled to vote at the election within two weeks after the election make it appear to the satisfaction of the minister by their solemn declaration that the election was irregularly or improperly conducted, or that corrupt practices prevailed thereat, and that by reason thereof the result of the election was affected, the minister may make or appoint some other person to make inquiries into the matter and cause evidence to be taken under oath or by solemn declaration and by order require the attendance of witnesses or production of documents and may make such order as to the said election, as to the formation of the proposed district and as to the persons to hold the office of trustee as may seem proper and the trustees and officers of the district, if formed, shall be bound by and shall observe such orders and the nonobservance of any order made under this section shall be an offence and the offender on summary conviction thereof be liable to a penalty not exceeding \$100.

(2) No election shall be declared invalid by reason of noncompliance with the provisions of this Act as to the holding of the polls, or the counting of the votes, or by reason of any mistake in the use of any of the forums, or by reason of noncompliance with any condition precedent or any other irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act.

1919–20, c.84, s.50; R.S.S. 1920, c.163, s.50.

Inspection of ballot papers

51 No person shall be allowed to inspect any ballot papers in the custody of the minister except the person appointed by the minister to make inquiry into any complaint as to the election being irregularly or improperly conducted as provided for in section 50.

1919–20, c.84, s.51; R.S.S. 1920, c.163, s.51.

Destruction of ballot papers

52 After the publication in *The Saskatchewan Gazette* of the order of the Lieutenant Governor in Council establishing the formation of the irrigation district and the election of trustees as provided for in section 54 the minister, or some person appointed by him for that purpose, may cause the ballot boxes to be opened and the packets therein to be destroyed in the presence of two witnesses.

1919–20, c.84, s.52; R.S.S. 1920, c.163, s.52.

Recommendation by minister

53 If the statement as to the result of the election made by the returning officer to the minister shows that at least two-thirds of the persons voting are in favour of the formation of the irrigation district the minister, subject to the provisions of section 50, shall lay before the Lieutenant Governor in Council a report and recommendation with regard to the proposed irrigation district and the election of trustees, setting out:

- (a) a description of each parcel of land to be included in the proposed irrigation district;
- (b) the estimated cost of the works as based upon the engineer's report;
- (c) the date and place at which the first election was held;
- (d) the result of the election on the question as to whether or not the irrigation district should be formed;

- (e) the number of trustees to be elected or appointed for the district;
- (f) the names of candidates nominated for the position of trustees;
- (g) the names of the candidates elected for the position of trustees.

1919–20, c.84, s.53; R.S.S. 1920, c.163, s.53.

Approval or disallowance by Lieutenant Governor

54(1) The Lieutenant Governor in Council may thereupon approve or disallow the formation of the irrigation district, and in the event of his approval of the same he shall constitute and declare the area described to be an irrigation district under this Act, and shall assign to it a name and number and also designate the trustees elected or appointed as hereinafter provided for to be the trustees for the district.

(2) In the event of the number of candidates nominated for the office of trustees being equal to the number required by this Act the Lieutenant Governor in Council shall in the order provided for in subsection (1) designate the candidates so nominated to be the trustees of the district.

(3) In the event of the number of candidates nominated for the office of trustees being less than the number required by this Act the Lieutenant Governor in Council shall appoint from the owners resident in the district one or more trustees as is necessary to bring the number of trustees up to the number required by the Act, and the persons so appointed, together with those nominated shall be designated by the Lieutenant Governor in Council as the trustees of the district.

(4) The order of the Lieutenant Governor in Council relating to the formation of the district and the election or appointment of trustees shall be published in *The Saskatchewan Gazette* within one month of the issue of such order.

(5) After such publication in the gazette the validity of the formation of the district and of the election of trustees shall not be questioned in any way whatsoever, notwithstanding any want of compliance with the terms of the Act, and the district shall be formed and the trustees elected as if all time terms of this Act had been complied with.

1919–20, c.84, s.54; R.S.S. 1920, c.163, s.54.

Preliminary expenses to be advanced by minister

55(1) All moneys necessary to be expended in the formation of the district up to the time of the election or appointment of the board shall be paid by the minister from the amount accompanying the petition as provided for in section 6.

Board to reimburse minister

(2) Upon the board being elected or appointed the minister shall furnish it with a statement of such expenditures. The board shall thereupon reimburse the minister for the total amount set forth in such statement.

Preliminary expenses charged to persons signing petition

(3) If the proposed district is not formed because of the result of the election being unfavourable thereto, or because of the Lieutenant Governor in Council disallowing the formation of the district, every person who originally signed such petition shall be chargeable with and liable to the minister for an equal share of the total disbursements and expenditures made by him in the formation of the district.

Preliminary expenses to be charged against land as taxes

(4) The amounts for which such persons are respectively charged shall upon notification by the minister to the secretary of the municipality within which the lands are situated or to the Minister of Municipal Affairs if the lands are situated in a local improvement district be entered upon the assessment roll of such municipality or local improvement district against their respective lands and collected in the same manner in all respects as taxes levied by and due to the municipality or the local improvement district and when collected shall be transmitted forthwith to the minister.

Minister to return amount lint accompanying petition

(5) Upon the minister being reimbursed for the full amount of the expenditures made by him in the manner provided for in this section, the minister shall return the amount accompanying the petition to the persons contributing thereto.

1919–20, c.84, s.55; R.S.S. 1920, c.163, s.55.

Trustees declaration of office

56 Every trustee shall within eight days after his election or appointment make the following declaration before a justice or notary public, who shall forward the same to the minister:

“I, A. B., do hereby accept the office of trustee to which I have been elected or appointed as the case may be, in (*name and number of irrigation district in full*), and I will to the best of my ability honestly and faithfully discharge the duties devolving on me as such trustee during the term, for which I have been elected.”

1919–20, c.84, s.56; R.S.S. 1920, c.163, s.56.

Tenure of office

57 The trustees elected or appointed at the first election shall hold office until and including the thirty-first day of December next following the said election:

Provided that when the first election takes place between the thirtieth day of June and the thirty-first day of December, following, the trustees shall continue in office until and including the thirty-first day of December of the year following the election;

Provided also that the trustees elected or appointed under this Act shall continue in office until their successors are elected or appointed.

1919–20, c.84, s.57; R.S.S. 1920, c.163, s.57.

ANNUAL ELECTION OF TRUSTEES**Annual election**

58 The regular annual election of trustees held subsequently to the first election shall in the event of more candidates being nominated than the number required for the board, take place in the first week in November of each year and the proceedings at prior to and subsequent to such annual election shall as nearly as possible be the same as herein provided for the first election save as heicnvutiu excepted, that is to say:

- (a) at every annual election subsequent to the first election the secretary of the irrigation district shall be the returning officer;

- (b) the election will provide only for the election of the board;
- (c) the ballot boxes after the election shall be retained by the secretary who shall be responsible for their safe keeping;

and the persons declared by him to be elected shall constitute the board of trustees:

Provided that in the event of a protest being entertained by the minister as provided for in section 50, the minister may proceed as provided for by the said section, and the secretary shall permit the person appointed by the minister to have access to and to examine the contents of the ballot boxes, and any order made by the minister in accordance with the said section will be observed in every manner and subject to the same penalties as provided for in the said section;

- (d) in the event of there not being a sufficient number of trustees as required by this Act elected at the annual election, the secretary shall submit a solemn declaration to the minister setting forth the names of those elected and the minister shall thereupon lay before the Lieutenant Governor in Council the particulars as submitted to him by the secretary, and the Lieutenant Governor in Council shall thereupon appoint from among the owners resident in the district one or more trustees as is necessary to bring the number of trustees up to the number required by time Act, and the persons so appointed together with those elected, shall be designated by the Lieutenant Governor in Council as the trustees of the district.

1919–20, c.84, s.58; R.S.S. 1920, c.163, s.59.

Vacancies

59 In the case of a vacancy occurring on the board such vacancy shall be filled by appointment by the remaining trustees, and the person so appointed shall serve until the next regular annual election of trustees when a new board shall be elected.

1919–20, c.84, s.59; R.S.S. 1920, c.163, s.59.

GENERAL PROVISIONS RELATING TO ELECTIONS

Secrecy of votes

60 No person who has voted at an election shall, in any legal proceedings to question the election or returns or otherwise relating thereto, be required to state for whom he has voted.

1919–20, c.84, s.60; R.S.S. 1920, c.163, s.60.

Candidate acting on his own behalf

61 A candidate may himself undertake the duties which any agent of his might have undertaken, or he may assist his agent in the performance of such duties and may be present at any place a which his agent is by this Act authorised to attend.

1919–20, c.84, s.61; R.S.S. 1920, c.163, s.61.

Candidates and agents

62 When in this Act expressions are used requiring or authorising any act or thing to be done, or implying that any act or thing is to be done in the presence of such agents as are authorised to attend and as have in fact attended at the time and place where such act or thing is done, the non-attendance of any agent at such time and place shall not invalidate it.

1919-20, c.84, s.62; R.S.S. 1920, c.163, s.62.

Errors not affecting results

63 No election shall be declared invalid by reason of a noncompliance with the provisions of this Act as to the holding of the polls on the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity, if it appears to the minister that the election was conducted in accordance with the principles laid down in this Act and that such non-compliance, mistake or irregularity did not affect the result of the election.

1919-20, c.84, s.63; R.S.S. 1920, c.163, s.63.

Officials declaration

64 Every returning officer shall, before entering upon the duties of his office, take and subscribe an oath in the form following before a person authorised to administer oaths in the province, and every deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall, before entering upon their respective duties, take and subscribe the said oath before the returning officer or any person authorised to administer oaths within the province:

FORM OF OATH

Canada:	}	I, _____ of _____
Province of Saskatchewan,		in the Province of Saskatchewan
To wit:		do swear:

1. That I will not at any time disclose the name of any person who has voted at the election to be held in connection with irrigation district of _____ No. _____, on the _____ day of _____, 19____;
2. That I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted, and will not in any way aid in the unlawful discovery of the same;
3. That I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God.

Sworn before me at _____	}
in the Province of _____	
Saskatchewan this _____	
day of _____, 19____.	

.....
A J.P., N.E. or Commissioner for Oaths.

1919-20, c.84, s.64; R.S.S. 1920, c.163, s.64.

OFFENCES AND PENALTIES

Offences and penalties

65(1) No person shall:

- (a) without due authority supply a ballot to any person; or
 - (b) fraudulently put into a ballot box any paper other than the ballot which he is authorised by law to put in; or
 - (c) fraudulently take out of the polling place a ballot; or
 - (d) without due authority destroy, open or otherwise interfere with a ballot box or packet of ballots then in use for the purpose of election; or
 - (e) apply for a ballot in the name of some other person, whether the name is that of a person living or dead or of a fictitious person, or advise or abet counsel or procure any other person so to do, unless he believes that he is the person entitled to vote under this Act;
 - (f) having voted once and not being entitled to vote again at the same election, apply for a ballot in his own name or advise or abet, counsel or procure any other person so to do;
 - (g) vote in more than one division.
- (2) No person shall attempt to commit any offence specified in this section.
- (3) A person guilty of any violation of this section shall be guilty of an offence and liable, if he is the returning officer or deputy returning officer, to imprisonment for a term not exceeding two years with or without hard labour, and if he as any other person to imprisonment not exceeding six months with or without hard labour.

1919–20, c.84, s.65; R.S.S. 1920, c.163, s.65.

Penalties

66 Every returning officer, deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 18 to 67, shall, in addition to any other penalty or liability to which he is subject, forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

1919–20, c.84, s.66; R.S.S. 1920, c.163, s.66.

Duties of election officers

- 67(1)** Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.
- (2) No officer clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot, or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.
- (3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.
- (4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of this section shall be guilty of an offence and liable on summary conviction to imprisonment; for any term not exceeding six months with or without hard labour.

1919–20, c.84, s.67; R.S.S. 1920, c.163, s.67.

Penalty for displaying ballot

68 Every voter who displays his ballot after he has marked the same, so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot, shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

1919–20, c.84, s.68; R.S.S. 1920, c.163, s.68.

POWERS OF BOARD OF TRUSTEES

Powers

69 The board of trustees of every district created hereunder shall be a body corporate and shall have all the rights and be subject to all the liabilities of a corporation; and especially shall have full power to acquire, hold and alienate water rights and all other powers and privileges under *The Irrigation Act* and real and personal estate for all purposes of the district shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or movable for the use of the said district and of becoming parties to any agreements in the management of the affairs of the said district and shall have all the powers necessary for the construction, working, maintenance and renewal of irrigation and drainage works necessary for the uses and purposes of the said district and the inhabitants thereof:

Provided that the powers herein vested in the board shall be subject to the authority vested in the Local Government Board under section 74.

1919–20, c.84, s.69; R.S.S. 1920, c.163, s.69.

ORGANISATION OF THE BOARD

Appointment of chairman and secretary treasurer

70(1) The board shall, within thirty days after the formation of the district hold a meeting at which they shall proceed to appoint from, their own number a chairman, who shall preside at all meetings of the board; and also to appoint a secretary and a treasurer, or a secretary treasurer, who shall be intrusted with all the powers and charged with all the duties conferred or imposed upon the secretary and the treasurer under the provisions of this Act.

(2) The aforesaid appointments shall, after the first year, be made annually at the first meeting of the board.

(3) The board may at its first meeting or any subsequent meeting, when deemed advisable, appoint an assessor who may be the secretary, the treasurer or the secretary treasurer.

1919–20, c.84, s.70; R.S.S. 1920, c.163, s.70.

MEETINGS OF THE BOARD

Regular meetings

71(1) The board may at any meeting at which all the members are present decide by resolution to hold regular meetings. Such resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

Special meetings

(2) A special meeting of the board may be summoned at any time by the chairman or by any two trustees and notice thereof shall be given by the secretary to each trustee. Such notice shall specify the business to be transacted and no other business than that specified therein shall be transacted at such special meeting, unless all time trustees are present and consent thereto.

Quorum

(3) The meetings of the board shall be public and three members shall constitute a quorum for the transaction of business, save that, if the board consists of three members only, two shall constitute a quorum.

Records open to inspection

(4) All records of the board shall be open to public inspection during business hours.

1919–20, c.84, s.71; R.S.S. 1920, c.163, s.71.

Voting

72 The chairman of any meeting of the board may vote with the other members of the board on all questions and any question on which there is an equality of votes shall be deemed to be negatived.

1919–20, c.84, s.72; R.S.S. 1920, c.163, s.72.

Absence of chairman

73 In the event of the absence of the chairman from any meeting the remaining members of the board shall elect an acting chairman from amongst themselves who shall have all the powers of the chairman at such meeting.

1919–20, c.84, s.73; R.S.S. 1920, c.163, s.73.

LOCAL GOVERNMENT BOARD AS ADVISORY COUNCIL

Duties

74(1) The Local Government Board of the province shall act as advisory council whose duty it shall be to advise the board upon matters hereinafter set out.

(2) No money received by the board upon any bond issue shall be expended at any time without the prior approval of the Local Government Board.

(3) The Local Government Board shall be entitled at all times to require from the board all such information as it is in its power to give, with respect to anything done or proposed to be done by it.

(4) The Local Government Board may employ any assistance, either engineering, legal or financial, in order that it may arrive at the best decision as to the proper mode of expending the said proceeds of bond issues.

(5) All such assistance shall be paid by the board of trustees.

(6) No contract for construction of any work, made by any board of trustees shall be of any effect until the same has received the assent of the Local Government Board.

1919–20, c.84, s.74; R.S.S. 1920, c.163, s.74.

EXPROPRIATION OF LAND

Expropriation

75 The board may, by its surveyors, engineers, foremen, agents, workmen and servants, enter upon and take, use and acquire so much real property as is required in connection with the works; without consent of the owners of such real property, making due compensation therefor to the parties entitled thereto; and in the event of the amount of such compensation not being mutually agreed upon by the parties concerned, it shall be determined by arbitration under *The Arbitration Act*.

1919–20, c.84, s.75; R.S.S. 1920, c.163, s.75.

Plans

76 Lands required for any irrigation work shall be surveyed and marked on the ground by a Saskatchewan land surveyor who shall prepare the proper plan of the same and the plan shall be subject to the approval of the board.

1919–20, c.84, s.76; R.S.S. 1920, c.163, s.76.

Application to court for vesting order

77 The secretary may thereupon apply *ex parte* to a judge of the Court of King's Bench for an order vesting in vesting order the board every estate and interest in the lands shown on the plan in section 76 mentioned; and the judge shall upon the production to him of a copy of the said plan, certified by the proper officials of the board and a certificate from the board stating that the said lands are required for the purposes of this Act, make such order and the order shall have the effect of divesting all persons other than the board of any interest in the said land; provided that the right and title to all mines and minerals which may be found to exist in such land shall continue to be vested in the owner and his assigns.

1919–20, c.84, s.77; R.S.S. 1920, c.163, s.77.

Plan and judge's order to be filed in land titles office

78 The plan mentioned in sections 76 and 77 together with the judge's order, shall be filed in the proper land titles office and the registrar shall:

Duties of registrar

(a) call in the duplicate certificates of title for all patented land affected thereby in the manner set forth in section 70 of *The Land Titles Act*;

(b) upon the receipt of the same, or, if the registered owner of such land refuses or neglects to return the said duplicate certificate within thirty days after the demand therefor has been mailed to him by the registrar, then at the expiration of such thirty days, file and register the plan and judge's order and shall cancel the area shown thereon from the certificates of title and from the duplicates returned to him;

(c) issue a certificate of title for the land shown on said plan free from all incumbrances, liens, estates or interests whatsoever to the board and shall issue to the board a duplicate of such certificate and forward the same to the secretary.

1919–20, c.84, s.78; R.S.S. 1920, c.163, s.78.

Entry upon land/Procedure in case of resistance

79 The board may at any time after the issuing of a vesting order by the judge, enter upon and take possession of the said land. If any resistance or opposition is made by any person to the taking by the board or any person authorised by the board, all lands required in connection with the work, as provided by this Act, a judge of the Court of King's Bench may, on proof of the proper taking of such lands as herein provided, issue his warrant to the sheriff of the judicial district within which such lands are situated, directing him to put down such resistance or opposition and to put the board or some person acting for the board, in possession of such lands; and the sheriff shall take with him sufficient assistance for such purpose and shall put down such resistance or opposition and shall put the board or the person acting for the board, in possession thereof; and shall forthwith make a return to the Court of the King's Bench of such warrant and of the manner in which he executed the same.

1919–20, c.84, s.79; R.S.S. 1920, c.163, s.79.

Construction of works

80 With the consent of the minister and subject to such regulations and conditions as are from time to time made or imposed by the minister, the board is hereby authorised and empowered, outside the boundaries of any city or town or village, to construct, repair and maintain its works along, over and across all highways, roads and road allowances vested in the province.

1919–20, c.84, s.80; R.S.S. 1920, c.163, s.80.

REGULATIONS AND BYLAWS

General powers of board

81 Every board may make regulations and bylaws in respect of matters not provided for by this Act and not contrary thereto, consistent with the objects for which the district was created for governing its proceedings, calling meetings, appointing committees, and generally such regulations as the interest of the district requires and may repeal alter and amend its own regulations and bylaws.

1919–20, c.84, s.81; R.S.S. 1920, c.163, s.81.

Payment of board

82(1) Every board may pass a resolution for paying the members thereof a sum not exceeding \$5 per diem for each trustee for each meeting, and ten cents for every mile necessarily travelled in going thereto and returning therefrom.

(2) The total number of meetings for which each trustee may be paid during the year for which he is elected shall not exceed fifteen.

1919–20, c.84, s.82; R.S.S. 1920, c.163, s.82.

Payment of members of board

83(1) Every board may pass a resolution for paying the members a sum not exceeding \$5 per diem, for each trustee and ten cents for every mile respectively necessarily occupied or travelled in laying out or inspecting work done in the district for periods not exceeding in the aggregate ten days in each year.

(2) The work so performed shall be duly authorised by a resolution of the board excepting where the duties performed are of an emergent nature in which case the payment or nonpayment of the members' fees for such work shall be at the discretion of the board.

1919–20, c.84, s.83; R.S.S. 1920, c.163, s.83.

Other remuneration prohibited

84(1) No member of the board shall receive remuneration for his services, except as provided in this Act.

(2) Any member accepting any further or other remuneration shall be guilty of an offence, and liable, on summary conviction to a fine not exceeding \$50, and, in default of payment thereof forthwith, to imprisonment for term not exceeding three months, or to both; his seat in the board shall thereupon become vacant, and he shall be disqualified from holding office under this Act for two years after the date of conviction.

1919–20, c.84, s.84; R.S.S. 1920, c.163, s.84.

Remuneration of officers

85(1) The board shall define the duties and fix the salaries of its officers and shall exact security from such of these as are intrusted with the handling of funds of the board, and it shall be the duty of the board at its first meeting after election or appointment in each year, or within a reasonable time thereafter, to examine the security so exacted and to see that the same is a valid security.

(2) All officers appointed by the board shall hold office during its pleasure.

1919–20, c.84, s.85; R.S.S. 1920, c.163, s.85.

AUTHORITY FOR CONSTRUCTION OF WORKS

Application under *The Irrigation Act*

86(1) Any board may forthwith after the formation of an irrigation district make an application in accordance with the provisions of *The Irrigation Act* for the water necessary for the irrigation of the district or any portion or portions thereof and for authority to construct the necessary works for the utilisation of such water and may employ such surveyors, engineers or other assistants as are required to draw up a general scheme for the irrigation of the district and to obtain the necessary information to enable them to make such application.

Power to enter into contracts

(2) The board instead of or in addition to making application for an authorisation may, subject to the approval of the Local Government Board, enter into any contract for the construction or operation of any works or the supply or sale of water for irrigation purposes to or within the district or for all or any such objects with any company (as defined in *The Irrigation Act*) to which an authorisation or license has been granted under *The Irrigation Act*, and all the provisions of this Act shall apply to the works provided for or the supply or sale of water under the said contract, to the extent necessary to enable the board to carry out any such contract according to the terms thereof.

1919–20, c.84, s.86; R.S.S. 1920, c.163, s.86.

Irrigation of portions of district

87 Notwithstanding anything in this Act contained it shall not be necessary for the board to construct works sufficient to irrigate the entire district, and it may, with the approval of the minister, make provisions from time to time for the irrigation of portions only of the district.

1919–20, c.84, s.87; R.S.S. 1920, c.163, s.87.

Documents to be filed with secretary

88(1) The authorisation provided for in section 20 of *The Irrigation Act* together with a copy of the maps and plans required by the said Act as well as all the official records of the district shall be filed in the office of the secretary of the board and shall be open for inspection by any owner or by their respective agents during business hours.

Documents be filed with minister

(2) A copy of the authorisation and a copy of the said maps and plans shall also be filed with the minister and shall be open to the inspection aforesaid.

1919–20, c.84, s.88; R.S.S. 1920, c.163, s.88.

Appointment of district engineer

89(1) The board shall appoint a qualified engineer who shall be known as the district engineer.

(2) It shall be the duty of the district engineer to make the necessary detailed surveys for the proposed works together with maps and plans of the same and he shall also make a careful estimate in detail of the amount required to construct the several portions of the proposed works and of the total amount required to complete the same; he shall also make an estimate in detail of the amount required to be expended in each year for the purpose of maintaining and operating the said works when constructed and such maps, plans and estimates shall be filed by him in the office of the secretary, and shall be open for inspection by any owner or his agent at all reasonable hours.

(3) Where any contract is or is proposed to be entered into by the board under the provisions of subsection (2) or section 86, the board may require the district engineer to report upon such proposed contract or to advise the board from time to time upon the due performance thereof.

1919–20, c.84, s.89; R.S.S. 1920, c.163, s.89.

ASSESSMENT ROLL

Preparation and contents

90(1) The secretary shall as soon as possible make, with the assistance of the district engineer, an assessment roll of the district in which he shall set down in the last column thereof the name of each owner of each parcel of land in the district or the portion or portions thereof, provision for the irrigation of which has been made by the board; in the second column thereof a description of the lands so owned; in the third column thereof the number of acres which are to be irrigated by the proposed works as shown by maps and plans to be prepared by the district engineer; and in the fourth column the number of acres which are not to be irrigated.

Approval of plans under *The Irrigation Act*

(2) Prior to making up the assessment roll, the maps and plans showing the acreage to be irrigated shall be filed and approved as required by section 20 of *The Irrigation Act*.

1919–20, c.84, s.90; R.S.S. 1920, c.163, s.90.

Owner unknown

91 The secretary shall also in such assessment roll give a description of each parcel of land the owner of which is unknown to him and shall opposite to each parcel enter in the several columns of the said roll the same particulars as are required by section 90.

1919–20, c.84, s.91; R.S.S. 1920, c.163, s.91.

Assessment where owner known

92 If the secretary does not know and cannot after reasonable inquiry ascertain the name of the owner of any known parcel of land in the district the same shall be deemed to be duly assessed if entered on the roll with a note stating that such owner is unknown.

1919–20, c.84, s.92; R.S.S. 1920, c.163, s.92.

Fraudulent assessment

93 If any secretary makes a fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein, or wilfully or fraudulently omits the name of any person who should be inserted therein, or wilfully neglects any duty required of him by this Act, he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100.

1919–20, c.84, s.93; R.S.S. 1920, c.163, s.93.

Assessment notice

94(1) The secretary shall mail by registered letter to each person whose name and address appears on the assessment roll a notice setting forth the land in respect of which he is assessed or entered upon the said roll and the number of acres shown thereon to be irrigated and every such notice shall contain a statement of the last date upon which appeals against the assessment may be lodged with the secretary as fixed by section 98.

(2) The secretary shall enter on the roll opposite the name of each person therein the date of each mailing and such entry shall be *prima facie* evidence of such delivery and of the date thereof.

IRRIGATION

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(3) The assessment roll shall remain in the office of the secretary treasurer of the board except when it is required before the court of revision or before a judge and shall be open for inspection by any owner or occupant or by his agent.

1919-20, c.84, s.94; R.S.S. 1920, c.163, s.94.

Effects of error in notice

95 No assessment shall be invalidated by reason of an error, omission or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it was addressed.

1919-20, c.84, s.95; R.S.S. 1920, c.163, s.95.

COURT OF REVISION

Constitution

96 The board shall form a court of revision for the trial of complaints of any owner or occupant as to himself or any other person being wrongfully assessed on the said roll or omitted therefrom or of being assessed in respect of property of which they are not the owners or occupants or as to the number of acres stated on such roll to be contained in any parcel or as to the number of acres thereof to be irrigated by means of the proposed works.

1919-20, c.84, s.96; R.S.S. 1920, c.163, s.96.

Clerk of court

97 The secretary shall be the clerk of the court of revision and shall record all the proceedings thereof.

1919-20, c.84, s.97; R.S.S. 1920, c.163, s.97.

Time for appeal

98 Any owner or occupant desiring to appeal may within twenty days from the date of the mailing of the assessment notice notify the secretary in writing of the particulars and grounds of his appeal.

1919-20, c.84, s.98; R.S.S. 1920, c.163, s.98.

Form of appeal

99 Every such complaint shall be in the following form:

To the secretary of Irrigation District of _____ No. _____.

SIR,—I hereby appeal against the assessment (*or* non-assessment) of _____
on the following grounds:

.....
(*Here state grounds of appeal*)

Dated this _____ day of _____ 19____.

*C. D.,
Appellant.*

1919-20, c.84, s.99; R.S.S. 1920, c.163, s.99.

Time and place of hearing

100(1) The board shall fix the time and place when and where it shall sit as a court of appeal to hear complaints leoring as to the assessment.

(2) Upon the receipt by the secretary of any notice of appeal, the secretary shall notify each such appellant, and every person whose assessment is affected thereby, of the time and place of the sittings of the board to hear such appeal.

1919-20, c.84, s.100; R.S.S. 1920, c.163, s.100.

Notice

101 Every such notice shall be posted by registered letter to the post office address of such person, if any, as entered on the assessment roll or as indicated in the notice of complaint, at least fifteen days before the sitting of the board.

1919-20, c.84, s.101; R.S.S. 1920, c.163, s.101.

List of appeals

102 Before the sittings of the board the secretary shall prepare a list of the appeals in the following form, which list shall be posted at the office of the secretary and shall remain so posted during the sittings of the board.

Appeals to be heard by the board of the Irrigation District of _____ No. _____ on the _____ day of _____ 19____.

Appellant	Respecting whom	Matter complained of
<i>A. B.</i>	<i>Self</i>	Overcharged on land
<i>C. D.</i>	<i>E. F.</i>	Name omitted
<i>G. H.</i>	<i>J. K.</i>	Not bona fide owner or
<i>etc.</i>	<i>etc.</i>	tenant, etc.

1919-20, c.84, s.102; R.S.S. 1920, c.163, s.102.

Clerk

103(1) The secretary shall be the clerk and secretary of the board in connection with assessment appeals.

(2) The secretary may, when required so to do, issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned, having been tendered compensation for his time at the rate of \$2 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available, or actual railway fare (both ways) where a railway is available, disobeys such summons he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50:

Provided however that the board hearing the appeal may for good and sufficient reasons excuse such persons from attending before them, and in such event no penalty shall be incurred by reason of such nonattendance.

1919-20, c.84, s.103; R.S.S. 1920, c.163, s.103.

Conduct of hearing

104 The appeals shall be heard as far as possible in the order in which they stand upon the said list; but the board may adjourn or expedite the hearing of any appeal as they think fit.

1919–20, c.84, s.104; R.S.S. 1920, c.163, s.104.

Nonappearance

105 If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent, the board may proceed in his absence.

1919–20, c.84, s.105; R.S.S. 1920, c.163, s.105.

Evidence

106(1) It shall not be necessary to hear upon oath the complainant or secretary or the person complained against, except where the board deems it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses may be administered by any member of the board hearing the appeal.

1919–20, c.84, s.106; R.S.S. 1920, c.163, s.106.

Amendment of roll

107 Forthwith after the conclusion of the sittings the secretary shall amend the assessment roll in accordance with the decisions of the board. Every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the secretary.

1919–20, c.84, s.107; R.S.S. 1920, c.163, s.107.

Additions to roll

108(1) If at any time not later than three weeks before the date fixed for holding the court of revision, it is discovered that any property has been omitted from the assessment roll the secretary shall forthwith notify the owner thereof by registered letter that application will be made to the court of revision to add his name and the said property to the assessment roll and that line is required to attend the court of revision to show cause why he or the said property should not be assessed.

(2) After such notice has been given as aforesaid and after the expiration of the time mentioned therein or if such person is not known then without any notice the board may, unless good cause is shown to the contrary, assess such property and direct the secretary to enter the same upon the assessment roll with the name of such person if known upon which entry the said property shall be deemed to have been duly assessed.

1919–20, c.84, s.108; R.S.S. 1920, c.163, s.108.

Roll as finally passed valid and binding

109(1) The roll as finally passed by the court shall be valid and bind all parties concerned notwithstanding any defect, error or misstatement committed in or with regard to such roll, or any defect, error or misstatement in any notice required by this Act or the omission to deliver or transmit such notice.

(2) The assessment roll herein provided for and as revised under the provisions hereof shall be the revised assessment roll of the district until such time as the board shall by bylaw from time to time provide for the making of a new assessment roll and any assessment made under any such bylaw shall be made and revised and subject to all the provisions of this Act relating to assessments or appeals therefrom:

Provided that there shall be a right of appeal from the decision of the board to the judge as provided herein and according to the procedure prescribed herein.

1919–20, c.84, s.109; R.S.S. 1920, c.163, s.109.

Correction of errors

110 The board may at any time correct any gross and palpable errors in the roll, and any corrections so made be initialed by the secretary.

1919–20, c.84, s.110; R.S.S. 1920, c.163, s.110.

APPEAL FROM COURT OF REVISION TO JUDGE

Appeal lies to judge

111 An appeal to the judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

1919–20, c.84, s.111; R.S.S. 1920, c.163, s.111.

Notice of appeal

112 The person appealing shall in person or by agent serve upon the secretary of the board, within eight days after the decision of the court of revision, a written notice of his intention to appeal to a judge.

1919–20, c.84, s.112; R.S.S. 1920, c.163, s.112.

Secretary to notify judge

113 The secretary shall, immediately after the time limited for filing notices of appeal, forward a list of the appeals to the judge of the district court for the judicial district in which the district is wholly or mainly situated and such judge shall fix a day and place for the hearing of such appeals.

1919–20, c.84, s.113; R.S.S. 1920, c.163, s.113.

Notice to parties

114 The secretary shall thereupon give notice to all parties appealed against in the same manner as is provided for giving notice on a complaint; but, in the event of failure by the secretary to have the required service in any appeal made or to have the same made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

1919–20, c.84, s.114; R.S.S. 1920, c.163, s.114.

Posting of notice

115 The secretary shall cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals.

1919–20, c.84, s.115; R.S.S. 1920, c.163, s.115.

Clerk of court

116 The secretary shall be the clerk of such court.

1919–20, c.84, s.116; R.S.S. 1920, c.163, s.116.

Adjournment of court

117 At any court so holden the judge shall hear the appeals, and he may adjourn the hearing from time to time and defer judgment thereon at his pleasure.

1919–20, c.84, s.117; R.S.S. 1920, c.163, s.117.

Production and amendment of roll

118 At the court to be holden by the judge to hear the appeals, the secretary shall appear and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission as corrected or supplied; and if the decision is not then given the secretary shall, when the same is given, forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction.

1919–20, c.34, s.118; R.S.S. 1920, c.163, s.118.

Witnesses

119 In such proceedings the judge shall possess all such powers for compelling the attendance and for the examination on oath of all parties, whether claiming or objecting or objected to, and all other powers whatsoever, and for the production of books papers and documents and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him in the district court.

1919–20, c.84, s.119; R.S.S. 1920, c.163, s.119.

Costs

120 The costs of proceedings before the judge shall be paid by or apportioned between the parties in such manner as he thinks proper; and where costs are ordered to be paid by a party payment of the same may be enforced by execution, to be issued as the judge directs from the district court or in the same manner as upon an ordinary judgment for costs in such court.

1919–20, c.84, s.120; R.S.S. 1920, c.163, s.120.

Taxation

121 The costs chargeable or to be awarded in any case shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the court for such costs; and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder.

1919–20, c.84, s.121; R.S.S. 1920, c.163, s.121.

Decision of judge final

122 Subject to the provisions hereinafter contained, the decision of the judge shall be final and conclusive in every case adjudicated upon.

1919–20, c.84, s.122; R.S.S. 1920, c.163, s.122.

Binding effect of amended roll

123 When the roll is finally completed and the time during which complaints and appeals against the assessment may be made has elapsed, the secretary shall over his signature enter at the foot of the last page of the roll the following certificate, filling in the date of such entry: "Roll finally completed this _____ day of _____ 19____;" and the roll as thus finally completed and certified shall be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard thereto, or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit such notice.

1919–20, c.84, s.123; R.S.S. 1920, c.163, s.123.

Evidence of roll

124 A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under roll the seal of the municipality, certified to be a true copy by the secretary, shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

1919–20, c.84, s.124; R.S.S. 1920, c.163, s.124.

Revised assessment roll

125 The assessment roll herein provided for and as revised under the provisions hereof shall be the revised assessment roll of time district until such time as the board shall by bylaw from time to time provide for the making of a new assessment roll and any assessment made under any such bylaw shall be made and revised and subject to all the provisions of this Act relating to assessments or appeals therefrom.

1919–20, c.84, s.125; R.S.S. 1920, c.163, s.125.

BYLAWS FOR RAISING LOAN

Submission of estimate of cost of construction to Local Government Board

126 Upon the final completion of the assessment roll in the manner herein provided the district engineer shall prepare and the board shall submit to the Local Government Board an estimate of the amount required to construct and complete the proposed works according to the maps, plans and estimates as provided in section 20 of *The Irrigation Act*; the amount required to procure such authorisation including the cost of surveys and plans therefor; the amount required to defray the necessary expenses incurred in procuring the formation of the district, including the amount required to reimburse the minister for moneys advanced by him for this purpose the bulk amount required to be raised under the provisions of any contract or contracts proposed to be entered into under subsection (2) of section 86, including all necessary engineering and other expenses.

1919–20, c.84, s.126; R.S.S. 1920, c.163, s.126.

Annual estimate of amount required for maintenance

127 The district engineer shall also prepare and the board shall submit to the Local Government Board an estimate of the amount required to be raised annually for the purpose of maintaining and operating such works, and paying the expenses of administration of the affairs of the district.

1919–20, c.84, s.127; R.S.S. 1920, c.163, s.127.

Authorisation of loan

128 If the Local Government Board considers the proposed district to be an economic development, and provided the authorisation required by section 20 of *The Irrigation Act* has been granted to the board, the Local Government Board shall signify approval of the district to the board and also fix a maximum amount which may be raised by a loan upon the credit of the district.

1919–20, c.84, s.128; R.S.S. 1920, c.163, s.128.

Submission of bylaw to voters

129 Upon the receipt of such approval the board shall forthwith submit to a vote of the voters of the district a bylaw providing for raising by loan upon the credit of the district the amount shown by such estimate to be required to construct and complete the proposed works, to secure the authorisation and to procure the formation of the district specified in section 126, and for levying the necessary rates for the repayment of such loan and the interest occurring thereon, and for the issue of debentures for the same:

Provided that the amount proposed by such bylaw shall not exceed the maximum amount fixed for such loans by the Local Government Board.

1919–20, c.84, s.129; R.S.S. 1920, c.163, s.129.

Contents of bylaw

130 Such bylaw shall set forth:

- (a) the object of the bylaw;
- (b) the date upon which it shall take effect;
- (c) the amount of the proposed loan showing the purposes for which it is proposed to be raised and several amounts required for each purpose;
- (d) the times and manner of repayments thereof, or of the debentures to be issued therefor, the rate of interest thereon and time lines for payment thereof;
- (e) the total irrigable acreage of the rateable real property in the district as shown by such revised assessment roll;
- (f) the specific sum to be raised in each year during time currency of the bylaw for the purpose of paying the several instalments of principal and interest payable thereunder;
- (g) the estimated amount required to be raised in each year for the purpose of maintaining and operating such works and paying the expenses of administration of the affairs of the district.

1919–20, c.84, s.130; R.S.S. 1920, c.163, s.130.

Repayment of principal

131 Such bylaw and the debentures issued thereunder shall provide for the payment of the whole principal money within thirty years from the time the bylaw takes effect and such money shall be repayable by annual instalments extending over the whole of such period or the last twenty years thereof.

1919–20, c.84, s.131; R.S.S. 1920, c.163, s.131.

Time and place for voting

132(1) The board may in and by such bylaw divide such district into polling subdivisions for the purpose of taking such vote and shall thereby fix the day and hour and polling place or places for taking the same and fix the time and place when and where the returning officer shall sum up the number of votes given for or against the bylaw.

(2) The day so to be fixed for taking such votes shall not be less than two nor more than four weeks from the first publication of such bylaw in the manner hereinafter mentioned.

Appointment of officers

(3) The board shall appoint a returning officer and if necessary deputy returning officers. The returning officer may act as a deputy returning officer in which case the provisions hereof applicable to deputy returning officers shall apply to him.

1919-20, c.84, s.132; R.S.S. 1920, c.163, s.132.

Publication of bylaw

133 The board shall before voting thereon by the ratepayers publish a copy of the bylaw in some newspaper published within the said district or if there is no such paper then in some newspaper published near the district and such publication shall appear in at least one number weekly of such newspaper for two consecutive weeks and the secretary shall post up a copy of the bylaw in his office.

1919-20, c.84, s.133; R.S.S. 1920, c.163, s.133.

Notice of time and place of voting

134 Appended to each copy so published shall be a notice signed by the secretary stating that such copy is a true copy or voting of a proposed bylaw which will be taken into consideration by the board after being voted on by the voters and stating the date of the first publication and the day, hour and place or places fixed for taking the votes of the persons entitled to vote.

1919-20, c.84, s.134; R.S.S. 1920, c.163, s.134.

Qualifications of voters

135 The persons qualified to vote at the taking of the vote upon such bylaw shall be the owners who were assessed of on the last revised assessment roll and are of the full age of twenty-one years, or, in the place of and in behalf of such owners, their executors or administrators, the guardian of an infant owner, and the agent under a general power of attorney or under a power of attorney empowering him to deal with the land obtained from such owner.

1919-20, c.84, s.135; R.S.S. 1920, c.163, s.135.

Oath

136 At the request of any person who is entitled to vote on such bylaw, or of his own accord, if deemed advisable, the returning officer shall administer to any person applying to vote an oath of qualification in the following form:

“You do swear (*or solemnly affirm*) that you are of the full age of twenty-one years; that you are an owner of land within the meaning of *The Irrigation Districts Act* situated within the Irrigation District of _____ No. _____; that you were assessed on the last revised assessment roll of the said district; that you have not already voted on the bylaw now before the voters and that you have not received any reward or offer or promise of reward for voting on the said bylaw. So help you God.”

Or in the case of a person acting as executor or administrator of an owner, guardian of an infant owner, or an agent acting for an owner under power of attorney the following:

“You do swear (*or solemnly affirm*) that you are of the full age of twenty-one years; that you are an executor or administrator of an owner guardian of an infant owner, or an agent of an owner under power of attorney, as the case may be (*naming the owner*) duly authorised to vote on behalf of the said owner; that the said owner is an owner of land within the meaning of *The Irrigation Districts Act* situated within time Irrigation District of _____ No. _____, and assessed on the last revised assessment roll of the said district; that neither you, nor to the best of your knowledge and belief, any one on behalf of the said owner has already voted on the bylaw now before the voters; and that neither you, nor to the best of your knowledge and belief the said owner has directly or indirectly received any reward or offer or promise of reward for voting on the said bylaw. So help you God.”

1919–20, c.84, s.136; R.S.S. 1920, c.163, s.136.

Voting to be by ballot

137 The votes upon the bylaw shall be given by ballot in the manner hereinafter set forth and the ballot shall be in the following form:

Irrigation District of _____ No. _____

Ballot Paper.

Vote on bylaw to raise \$_____ for the construction of works required for irrigation of the district.

For the bylaw	
Against the bylaw	

1919–20, c.84, s.137; R.S.S. 1920, c.163, s.137.

Ballot boxes and papers

138 The returning officer shall procure or cause to be procured as many ballot boxes as there are polling subdivisions in the district and cause to be printed a sufficient number of ballot papers for the purposes of the election.

1919–20, c.84, s.138; R.S.S. 1920, c.163, s.138.

Delivery of box to deputy returning officer

139 The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer.

1919–20, c.84, s.139; R.S.S. 1920, c.163, s.139.

Delivery of papers

140 The returning officer shall before the poll is opened cause to be delivered to every deputy returning officer the ballot papers and materials for marking the ballot papers.

1919–20, c.84, s.140; R.S.S. 1920, c.163, s.140.

Secretary to furnish list of owners

141 The secretary of the board shall supply to each deputy returning officer before the opening of the poll a certified list of the names of the owners of land within his polling subdivisions as shown by the last revised assessment roll and no persons other than those named on such list shall be entitled to voting on such bylaw, except those persons authorised to vote on behalf of such owner as provided in section 135.

1919–20, c.84, s.141; R.S.S. 1920, c.163, s.141.

Voting compartment

142 Every deputy returning officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots screened from observation and may appoint a constable to maintain order at the polling place.

1919–20, c.84, s.142; R.S.S. 1920, c.163, s.142.

Ballot box to be sealed

143 Every deputy returning officer shall immediately before the commencement of the poll open the ballot box and call such person as may be present to witness that it is empty; he shall then lock and properly seal the same to prevent its being opened without breaking the seal and then place the box in view for the reception of ballots and the seal shall not be broken nor the box unlocked during the time appointed for taking the votes.

1919–20, c.84, s.143; R.S.S. 1920, c.163, s.143.

Persons allowed in polling place

144(1) No person shall be allowed in any polling place during the hours for polling except the returning officer, the deputy returning officer, the constable (if any), the voter engaged in voting and any agents appointed as in this section provided.

Agents

(2) On application to him the returning officer may appoint two persons for each poll to act as scrutineers on behalf of the persons in favour of the passage of the bylaw and two persons for each poll to act as scrutineers on behalf of the persons opposed to the passage of the bylaw but before such persons act as smach agents they shall severally subscribe and make a declaration before the returning officer or a person empowered to administer oaths in the following form:

Agent's oath

I, _____, do solemnly declare that I am interested in and desirous of securing (*or* opposing, as the case may be) the passage of the bylaw now being or about to be submitted to the vote of the owners in the Irrigation District of _____ No. _____.

1919–20, c.84, s.144; R.S.S. 1920, c.163, s.144.

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Poll book

145 The returning officer shall also furnish to each deputy returning officer a poll book in which shall be entered the record of the poll, and such poll book shall be in the following form:

POLL BOOK.

The polling division No. _____ of the Irrigation District of _____ No. _____.

Records of election held this _____ day of _____ 19 _____ for the vote on bylaw, to raise \$ _____ for the construction of the works required for irrigation of the district.

Name of voter	Voted	Sworn or refused to swear.
---------------	-------	----------------------------

1919-20, c.84, s.145; R.S.S. 1920, c.163, s.145.

PROCEEDINGS AT THE POLL

Procedure

146 Except as specified in sections 147, 148 and 149, the proceedings at the poll shall be conducted in the same manner as nearly as may be as at time first election held under this Act and particularly in accordance with sections 32 to 39 and sections 41 to 43.

1919-20, c.84, s.146; R.S.S. 1920, c.163, s.146.

Duty of deputy returning officer

147 On a person presenting himself for the purpose of voting the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered upon the voters' list of his polling subdivision.

1919-20, c.84, s.147; R.S.S. 1920, c.163, s.147.

Method of voting

148 Every person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper by placing a cross opposite the words "for the bylaw" or opposite the words "against the bylaw", as the case may be, in accordance with his intention to vote for or against the proposed bylaw; he shall then fold the ballot paper so as to conceal the marks on the face of the paper but so as to expose the initials of the deputy returning officer and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone or in any manner making known to any person which way he has voted deliver the same to the deputy returning officer who shall without unfolding it verify his initials and at once deposit it in the ballot box in the presence of all persons then present in the polling place.

1919-20, c.84, s.148; R.S.S. 1920, c.163, s.148.

Vote of deputy returning officer

149 Any deputy returning officer who is entitled to vote in a polling subdivision other than the one in which he is performing the duties of such officer may, subject to the other provisions hereof, vote at the polling station at which he is so engaged, providing he produces a certificate from the secretary that he is a qualified voter within the district and the deputy returning officer shall attach such certificate to the voters list.

1919-20, c.84, s.149; R.S.S. 1920, c.163, s.149.

Procedure at close of poll

150 Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk, if there is one, open the ballot box and proceed as follows:

Examination of ballots

1. He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the voter is entitled to give or on which anything appears by which the voter can be identified and any ballot paper so rejected shall be void;

Note of objections

2. He shall take a note of any objection made by any agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;

Objections

3. He shall number such objection and place a corresponding number on the back of the ballot paper with the numbered word "allowed" or "disallowed," as the case may be, with his initials;

Counting in votes

4. He shall count the votes given for or against the said bylaw from the ballot papers not rejected and make a written statement of the number of votes given for or against the said bylaw and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and each of the agents present as desire to sum the same;

Certificate

5. He shall then certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed, and make up into separate packets:

- (a) the statement of votes given for and against the bylaw and of the rejected ballot papers;
- (b) the used ballot papers which have not been objected to and which have not been counted;
- (c) the ballot papers which have been objected to but which have been counted;
- (d) the rejected ballot papers;
- (e) the declined and cancelled ballot papers;
- (f) the voters' list;

which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto and marked on the opposite side with a memorandum designating their respective contents shall by the deputy returning officer be transmitted forthwith to the returning officer.

1919-20, c.84, s.150; R.S.S. 1920, c.163, s.150.

Declaration by deputy officer

151(1) After the close of the poll the deputy returning officer shall make and subscribe before a justice of the peace a declaration in the following form:

I, the undersigned, deputy returning officer for polling subdivision No. _____ of _____ Irrigation District, do solemnly declare that the poll book kept by me for the said polling subdivision on the vote on the bylaw of said district to raise \$ _____ by way of loan was correctly kept, that the total number of votes polled at said polling subdivision was _____, of which _____ were in favour of the said bylaw and _____ were against it, that the voters' list used at said poll was used in the manner prescribed by law and the entries required to be made therein were made according to law and that I faithfully performed all the duties required of me by law.

(2) Such declaration shall be attached to the voters' list and sent to the returning officer.

1919-20, c.84, s.151; R.S.S. 1920, c.163, s.151.

Declaration of result

152 At the time and place fixed for declaring the result of the election, the returning officer shall open the packet containing the statement of the number of votes given for and against the bylaw and shall publicly declare as to whether the bylaw has been assented to or rejected by the voters, as time case may be, in accordance with the majority of the votes cast.

1919-20, c.84, s.152; R.S.S. 1920, c.163, s.152.

Transmission of ballots, etc., to secretary

153 After the voting the ballot boxes, packets and returns together with a statement showing the result of the vote shall be transmitted by the returning officer to the secretary whom shall be responsible for their safe keeping and for their delivery when required.

1919-20, c.84, s.153; R.S.S. 1920, c.163, s.153.

Bylaw receiving assent of less than two-thirds

154 If two-thirds of the voters voting on the bylaw have not voted in favour of the passing thereof the board shall forthwith report the same to the minister and to the Local Government Board and shall immediately proceed to discharge all the outstanding liabilities of the district and shall have power to make such assessments and levy such rates as are necessary for such purpose; and as soon as all debts and liabilities of the district have been so discharged it shall immediately cease to exist as such.

1919-20, c.84, s.154; R.S.S. 1920, c.163, s.154.

Bylaw receiving assent of two-thirds

155 If two-thirds of votes polled upon such bylaw are in favour of the passing thereof it shall within one week from the day of voting be finally passed by the board.

1919-20, c.84, s.155; R.S.S. 1920, c.163, s.155.

Assent of bylaw by Local Government Board

156 The bylaw for raising such loan shall receive the assent in writing of the Local Government Board after the final passing thereof by the board of trustees which assent shall be conclusive evidence that all necessary formalities in respect to the passing thereof and to the vote thereon have been complied with; and the legality of the said bylaw and of all debentures issued thereunder shall be thereby conclusively established and shall not be questioned in any court. Notice of such assent shall be published in *The Saskatchewan Gazette*.

1919–20, c.84, s.156; R.S.S. 1920, c.163, s.156.

Issue of debentures

157 The trustees, having received notice of the assent of the Local Government Board to such bylaw, shall issue debentures for the amount of such proposed loan to secure the repayment of the same with interest upon the terms specified in the bylaw; and the said debentures and the coupons thereof shall be sufficient when signed by two of the trustees of the district to bind the district and, in the hands of any holder thereof shall be a charge or lien upon all the land (including the buildings and improvements thereon) within the district, and upon all the property of the district and all rates levied under the provisions of this Act therein.

1919–20, c.84, s.157; R.S.S. 1920, c.163, s.157.

Form of debentures

158 The debentures to be issued under any such bylaw shall be in such form as is approved by the Local Government Board.

1919–20, c.84, s.158; R.S.S. 1920, c.163, s.158.

COLLECTION OF TAXES

Estimate of annual expenditure/Levy of rate

159 The board shall not later than the first day of February in each year make an estimate of the amount required to pay the instalments of principal and interest payable under the terms of the debentures up to the expiration of such year and the lawful expenses which shall be incurred during such year in carrying out the provisions of this Act, including salaries and expenses of officers and such allowances as the members of the board are entitled to under the provisions hereof and the general expenses of the district, and shall forthwith pass a bylaw authorising and directing the levying and collecting of an equal rate upon each acre of land to be irrigated as shown by the last revised assessment roll for the district which rate shall be sufficient to raise the amount of such estimate after making all due and reasonable allowances for the cost of collection and abatement losses which may occur in the collection of the rate.

1919–20, c.84, s.159; R.S.S. 1920, c.163, s.159.

Collector's roll

160 Immediately after the passing of such last mentioned bylaw in each year the secretary shall make out a collector's roll divided according to rural municipalities and local improvement districts, in which he shall set down in the first column thereof the full name of every person whose name appears on the revised assessment roll as the owner or occupant of any land to be irrigated, and in the second column thereof the amount of land in respect of which each person is assessed in such assessment roll for such year, and in the third column thereof the amount of the irrigation rate with which he is chargeable under the said last mentioned bylaw and shall deliver certified under his name to the secretary of each rural municipality, in which any lands to be irrigated are situate, the portion of the roll relating to his rural municipality and to the Minister of Municipal Affairs, the portion of the roll relating to local improvement districts.

1919-20, c.84, s.160; R.S.S. 1920, c.163, s.160.

Enteries in assessment roll

161 The secretary of any municipality and the Minister of Municipal Affairs, receiving a completed assessment statement referred to in section 160, shall forthwith enter upon the assessment roll of the municipality, opposite every parcel of land liable to be assessed therefor, the amount to be charged against each such parcel of land for the then current year as shown on the said statement.

1919-20, c.84, s.161; R.S.S. 1920, c.163, s.161.

Payment to secretary and sums collected

162(1) The secretary of the municipality and the Minister of Municipal Affairs having the collection of any assessments made under the authority of this Act, shall before the tenth day of each month, forward to the secretary of the district all moneys received by him in respect to the irrigation rate of that district during the preceding month.

Commission on collection

(2) A commission shall be made to each rural municipality, of two and one-half per cent. of the amount collected by it under the provisions of this Act.

1919-20, c.84, s.162; R.S.S. 1920, c.163, s.162.

Recovery of rates

163 All assessments upon lands under this Act shall upon the entry of the amounts upon the assessment roll of the municipality pursuant to sections 160, 161 and 162 be deemed to be a tax, not subject to appeal, payable to the municipality, or in respect of work outside a municipality to the Minister of Municipal Affairs and shall be and constitute a charge upon the lands upon which they are respecting assessed; and the like proceedings, remedies and penalties for and in respect to time payment or nonpayment of the same may be taken, acted upon and imposed in the like manner, within the same time and by the same persons and tribunals as if such assessments were in fact and in law taxes owing to such municipality.

1919-20, c.84, s.163; R.S.S. 1920, c.163, s.163.

Additional assessments and debentures

164 In the event of the estimated cost so assessed upon lands hereunder being found to be insufficient for the completion of the proposed work according to the plans and specifications upon which such cost was estimated and assessed the board may from time to time, as it finds it necessary for the completion of the work in accordance therewith, or with such alterations therein as may be reported by the district engineer and approved by the board as necessary for rendering the work effective, cause further assessments to be made upon the lands so assessed in proportion to their original assessment, to defray the cost of the completion of such work or the carrying out of such alterations, and may issue debentures for the amount thereof; and such assessments and debentures shall be in all respects subject to the same provisions as are applicable to the assessment and debentures for the cost as originally estimated, assessed or issued.

1919–20, c.84, s.164; R.S.S. 1920, c.163, s.164.

GENERAL PROVISIONS**Additional powers of board**

165 In addition to the powers hereinbefore mentioned the board shall subject to the provisions of *The Irrigation Act* have and possess and may exercise all the powers which are necessary in order to enable them to construct and maintain the said works and may by bylaws provide for the construction or maintenance thereof or both in such manner as it sees fit and may also make and enforce such regulations as it may see fit respecting the supply of water to any person and for the disposal or supply of any surplus water which is not required for the purposes of the district.

1919–20, c.84, s.165; R.S.S. 1920, c.163, s.165.

Borrowing power

166 The board may pass bylaws from time to time authorising the chairman and treasurer thereof to borrow from any person, bank or corporation, such sum or sums of money (not exceeding the uncollected portion of the rate for that year) as it may from time to time be required to pay any instalment of principal or interest or both, falling due upon any such debentures, or to pay expenses lawfully incurred in connection with the formation of the district, the preparation of assessment rolls and all other matters or things directed to be done by this Act.

1919–20, c.84, s.166; R.S.S. 1920, c.163, s.166.

Vacancies in board

167 In case of any vacancy in the board by death, resignation or otherwise the remaining members of the board shall appoint some owner residing within the district to the vacant position. In case there are no members of the board remaining the minister shall appoint three such persons to constitute the board.

1919–20, c.84, s.167; R.S.S. 1920, c.163, s.167.

Failure to appoint officers

168 In case the board at any time fails to appoint the necessary officers to carry out the provisions of this Act or in case any officer appointed by the board fails to perform the duties prescribed by this Act the minister shall appoint the necessary officer or officers for the purpose of carrying out the provisions hereof and any officer so appointed shall have and possess all the powers and shall perform all the duties of his office in the same manner as if he had been appointed by the board.

1919-20, c.84, s.168; R.S.S. 1920, c.163, s.168.

ALTERATION OF BOUNDARIES**Conditions**

169(1) The content of any irrigation district may be changed in the manner hereinafter prescribed, but such change shall not impair or affect its formation, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its content not been made.

Consents required

(2) To any such change of content the prior consent of the Minister of the Interior and of the Lieutenant Governor in Council shall be obtained.

Petitions

(3) Any such change of content shall not be made save upon petition to the board from one-half of the owners or occupants of the lands which it is sought to include in or exclude from the district.

Deposit of cost of proceedings

(4) The petition shall be accompanied by a sum of money sufficient to cover the cost of all proceedings Act in regard thereto.

Publication of notice of petition

(5) The board shall give notice of the said petition in the same manner and for the same time as notice of a first election and in such notice shall state a day before which any person interested in the change of content may show cause an writing why the change should not be made. At their first regular meeting after such day the board shall hear the petition and the objections thereto and may refuse or grant the petition in toto or may exclude or include the whole or mnv portion of the lands described in the petition.

Security by petitioners

(6) Any board to which a petition to include any lands in the district is presented shall require as a condition to the granting of the petition that the petitioners shall severally pay, or give approved security upon such terms as are prescribed by the board to pay to such district such respective sums as are determined by the board at the hearing above provided for, which sums shall be such equitable amount as such land should pay in order to equalise the benefit received by and the burden imposed upon all land within the district.

Consent of bondholders

(7) No land shall be excluded from any district when there are any outstanding bonds of the district, except with the prior consent of all the bond holders given in such manner as the minister directs.

Refund of assessments

(8) In case of the exclusion of any lands under the provisions of this Act, the minister shall after consultation with the board determine what refund, if any, shall be made to any person or persons who have paid any assessments to the district on the lands excluded and such refund, if any, shall be on a basis equitable alike to the lands remaining in the district and the lands excluded therefrom.

Regulations

(9) The minister may make any regulations necessary or calculated to carry out the general intent of this Act as to the inclusion or exclusion of lands from any district, and such regulations shall have effect as if set out in this Act.

Publication of order changing district

(10) The order of the Lieutenant Governor in Council excluding from or including in any district any land, shall be published in *The Saskatchewan Gazette* and a copy thereof filed with the board.

1919–20, c.84, s.169; R.S.S. 1920, c.163, s.169.

EXECUTIONS AGAINST DISTRICTS

Writ

170 Any writ of execution against a district may be indorsed with a direction to the sheriff to levy the amount thereof by rate and the sheriff shall deliver a copy of time writ and indorsement to the secretary of the board with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same.

1919–20, c.84, s.170; R.S.S. 1920, c.163, s.170.

Default in payment

171(1) In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff payment shall examine the assessment roll of the district and shall in like manner as rates are struck for general district purposes strike a late in the dollar sufficient to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover interest, his own fees and the collector's percentage up to the time when such rate will probably be available.

Sheriff's precept

(2) The sheriff shall thereupon issue a precept under his hand and seal of office directed to the secretary of the board and shall annex thereto 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 secretary of the board to levy such rate at the time and in the manner by law required in respect to the general annual rates.

Levy of rate and payment to sheriff

(3) At the time for levying the annual rates next after the receipt of such precept the secretary shall add a column thereto headed: "Execution rate in *A. B.* versus The _____ Irrigation District of _____ No. ____" as the case may be, adding a similar column if there are more executions than one and shall insert therein the amount by such precept required to be levied upon each owner respectively and shall levy the amount of such execution rate aforesaid and shall, within the time that he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon deducting his percentage.

Disposal of surplus

(4) The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary treasurer of the board for the general purposes of the district

Secretary deemed an officer of court

(5) The secretary of the district shall for the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution, be deemed to be an officer of the court from which such writ is issued and as such may be proceeded against by attachment, mandamus or otherwise to compel him to perform the duties hereby imposed upon him.

1919–20, c.84, s.171; R.S.S. 1920, c.163, s.171.

Application to court for appointment of collector

172 In case there is no secretary or collector and the trustees refuse or neglect to appoint such officers or in case such officers are absent from the district or for any reason the sheriff is unable to proceed as herein provided he may, upon application to a judge of the Court of King's Bench, be invested with full power and authority to assess, levy, collect and enforce payment of such sum or sums of money as may be required to pay and satisfy the execution or executions and all fees and legal expenses including such allowances for the costs, levy, collection and enforcement of payment as the judge allows, in the same manner as assessors, collectors or secretary treasurers are authorised to do by this Act:

Provided that in case any person desires to appeal from any assessment or omission of assessment by the sheriff appeal may be had to a judge of the Court of King's Bench.

1919–20, c.84, s.172; R.S.S. 1920, c.163, s.172.

Order of liability of lands

173 In all proceedings for levying, collecting and enforcing payment of any sum or sums of money under any execution against a district, resort shall first be had to the irrigable lands within the district and for the purposes of this section "irrigable lands" shall be deemed to mean any and every parcel of land within the district, any portion of which is irrigable; should the irrigable lands within the district be found insufficient to satisfy any such execution, resort shall be had to all other lands within the district:

Provided that a judge of the Court of King's Bench may, at any time, if it is made to appear to his satisfaction that it is necessary for the due protection of any execution creditor, order that such proceedings may be taken in respect of all lands within the district, irrigable and nonirrigable alike.

1919–20, c.84, s.173; R.S.S. 1920, c.163, s.173.

DISORGANISATION OF DISTRICT**Petition**

174(1) Where a district has no bonded indebtedness, a petition for its disorganisation signed by at least one-third of the persons upon the last assessment roll may be presented to the board.

Order for election

(2) The board shall at the next regular meeting after the presentation of the petition order an election to be held within twenty days.

Conduct of election

(3) The election shall be conducted as elections other than a first election.

Form of ballot

(4) The electors shall at the election cast ballots containing the words “disorganise,” “Yes” or “disorganise” “No.”

Application to minister for dissolution

(5) If three-fifths of the votes cast at the election are for disorganisation, the board shall make an application to the minister for an order dissolving the district and shall at the same time file a statement of its outstanding indebtedness and the minister, if satisfied, that the provisions of this Act as to disorganisation have been complied with shall grant an order declaring the district dissolved and disorganised and directing the board to proceed as hereinafter set out.

Board to be trustees for creditors

(6) Upon the disorganisation of any irrigation district the board shall be trustees of the creditor and of the persons for creditors on the last assessment roll and shall have power to sue and be sued.

Collection of rate to meet liabilities

(7) The board shall levy and cause to be collected a rate sufficient to pay all indebtedness of the district in the same manner and upon the same persons as the irrigation rate.

Refund of surplus

(8) Any balance remaining after the discharge of all indebtedness incurred under lawful authority and the cost of the disorganisation proceedings shall be refunded to the persons on the last assessment roll in payments proportional to their assessments.

Order releasing board

(9) The minister when satisfied that the provisions of this Act as to the action of the board after disorganisation have been complied with shall grant an order of release to the board.

1919–20, c.84, s.174; R.S.S. 1920, c.163, s.174.

Power of minister to make regulations

175 The minister may from time to time make such regulations and prescribe such forms in lieu of or in addition minister to the forms in the schedule to this Act as are deemed necessary for the proper carrying into effect of the provisions of this Act.

1919–20, c.84, s.175; R.S.S. 1920, c.163, s.175.

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SCHEDULE

FORM A

(Section 5(1))

PETITION FOR FORMATION OF IRRIGATION DISTRICT

To the Honourable the Minister of Highways:

The petition of the undersigned owners, of the full age of twenty-one years, of at least one-half of the area of the lands within the proposed irrigation district

Humbly sheweth:

Your petitioners desire that the area of lands situate in the province, and described as follows: (*Here describe area by enumerating each parcel of land within the area*) may be irrigated and request that the said area be organised into an irrigation district.

And your petitioner will every pray.

Dated at _____, in the Province of Saskatchewan, this _____ day of _____ 19____.

Signature of petitioners	Address	Lands owned within the proposed drainage district

Canada:
Province of Saskatchewan,
To wit:

}

We _____ of
_____ and _____
of _____

make oath and say:

1. That we are petitioners named in the petition hereto;
2. That the signatures of the said petitioners are their own and that the statements contained therein are true, to the best of our knowledge and belief.

Sworn before me at _____
in the Province of
Saskatchewan, this _____
day of _____ A.D. 19____.

}

.....
Signature.

.....
Signature.

.....
A Commissioner in and for the
Province of Saskatchewan.

FOR HISTORICAL REFERENCE ONLY

FORM B

(Section 11 (2))

NOMINATION PAPER FOR BOARD OF TRUSTEES

We, the undersigned owners of land in the proposed irrigation district of _____
No. _____ hereby nominate (*name, residence and occupation of the person
nominated*) as candidate for the election now to be held of a board of trustees of the
said district.

Witness our hands this _____ day of _____ 19 _____.

.....
Signature.

.....
Signature.

.....
Signature.

.....
Signature.

.....
Signature.

CANDIDATE'S ACCEPTANCE

I, the said _____, named in the foregoing nomination, hereby state
that I am eligible for nomination and that I will accept office if elected.

Signed in the presence of

.....

Name of witness.

}

.....
Name of Candidate.

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FORM C

(Section 12 (2) (c))

Notice is hereby given that under the provisions of *The Irrigation Districts Act*, the undersigned has been appointed by the Minister of Highways for the purpose of taking a vote on the question of the formation of the _____ Irrigation District (and to hold an election of persons to compose the board of trustees of the said irrigation district, if and when formed).

Polling Division No. _____ comprises the following area:
(*Here set out the area*).

Now therefore the electors within the said division and qualified to vote are hereby notified to attend at (*specify polling place*) on the _____ day of _____ 19____, at the hour of nine o'clock in the forenoon, at which hour and place I will proceed to take a vote on the said question and to hold the said election for trustees). The poll will continue open until and close at the hour of four o'clock (mountain standard time in the afternoon of the said day).

Dated this _____ day of _____, 19____.

.....
Returning Officer.

FORM D

(Section 49 (2))

Irrigation District of _____ No. _____

I, A. B., returning officer for the irrigation district of _____ No. _____ hereby solemnly declare that the record of votes annexed signed by me is a true record of the votes cast upon the _____ day of _____ 19____ for and against the erection of the district (*if the vote was in favour of the erection of the district*) for the election of _____ trustees of the district, 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____.

.....
Returning Officer.

.....
A Commissioner or J.P.

FOR HISTORICAL REFERENCE ONLY