

Bill No. 8 of 1945 (2nd Session)

A BILL TO AMEND THE PROVINCIAL LANDS ACT.

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NOTE.

This Bill amends *The Provincial Lands Act*.

Section 1 of the bill amends section 16 in four respects:

(a) Subsection (1) of section 16 requires the holder of an agricultural lease to reside on the land at least six months in every calendar year. This worked a hardship on a lessee who took up his lease after July 1st in any year as he could not put in the necessary residence in that year. This is cured by striking out the word "calendar".

(b) The proviso which is amended gives a special privilege as to residence to veterans certified by the Director, Veterans Land Act, 1942 (Canada). The amendment changes this to read certified under the said Act so that it may not be necessary to obtain the certificate of the Director himself in all cases.

(c) Corrects an error in the printing.

(d) Enacts a new provision as to residence qualifications of an agricultural lessee, and enables a lessee to put in his residence during the first five years of the lease on land held by his near relatives—provided such land is within three miles of the leased land.

Section 2 of the bill amends section 17 of the Act in two respects:

(a) Subsection (3) of section 17 provides for a lease containing an agreement for the purchase of the land that may be exercised by the lessee "after the lease has been in force for at least ten years and in good standing." The words substituted for the quoted words by the amendment make it clear that where an extension of time has been granted to the lessee, he is not entitled to purchase at the expiration of the ten-year period, but only after the duties have been performed in each of ten years.

(b) The reason for this amendment has been explained above.

The amendment in section 3 of the bill has been explained above.

Section 35, subsection (1) of the Act which is amended by section 4 of the bill authorizes the Minister to waive the payment of rent or the performance of covenants relating to the manner of cultivation during a period when the lessee is incapacitated mentally or physically. By striking

out the words quoted in section 4 of the bill, the authority of the Minister is extended to the waiving of any covenants in the lease in such cases of disability.

The amendments made by section 5 of the Bill are for the purpose of curing omissions.

W. S. GRAY,  
*Legislative Counsel.*

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

# BILL

No. 8 of 1945 (2nd Session)

An Act to amend The Provincial Lands Act.

(Assented to \_\_\_\_\_, 1945.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Provincial Lands Act*, being chapter 62 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 16,—

- (a) by striking out the word “calendar” where it occurs in paragraph (b) of subsection (1) thereof;
- (b) by striking out the words “by the Director”, where the same occur in the second line of the proviso to subsection (2), and substituting therefor the word “under”;
- (c) by striking out the word “or”, where the same occurs in the third last line of the proviso to subsection (2), and substituting therefor the word “as”.
- (d) by inserting immediately after subsection (2) the following new subsection (2b):

“(2b) Residence by a lessee in the first five years of the term of the lease upon a farm of an area of at least eighty acres, situate within a distance of three miles from the lands comprised in the agricultural lease, in a direct line exclusive of road allowances crossed in the measurement, held by the father, mother, son, daughter, brother or sister of the lessee, as the case may be, as owner, purchaser under agreement for sale, lessee, or homestead entrant, and, in the event of the death of such father, mother, son, daughter, brother or sister, as the case may be, continued permanent residence on such farm, may in the discretion of the Minister be accepted as residence upon the agricultural lease.”

**2.** The said Act is further amended as to section 17,—

- (a) by striking out the words “after the lease has been in force for at least ten years and in good standing”, where the same occur in subsection (3) thereof, and by substituting therefor the words “upon compliance with the terms of the lease in each of ten years”;

- (b) by striking out the words “by the Director”, where the same occur in the first and second lines of subsection (4) thereof, and by substituting therefor the word “under”.

**3.** The said Act is further amended as to section 18 by striking out the words “by the Director”, where the same occur in the fourth line of subsection (2) thereof, and by substituting therefor the word “under”.

**4.** The said Act is further amended as to section 35 by striking out the words “relating to the manner in which the land thereby leased is to be cultivated” where the same occur in the third, fourth and fifth lines of subsection (1) thereof.

**5.** The said Act is further amended as to section 78,—

- (a) by adding immediately after the word “Resources”, where the same occurs in the third line of paragraph (t) of subsection (1) thereof, the words “or the Minister of Veterans’ Affairs”;
- (b) by adding immediately at the end thereof the following new subsection:

“(3) Any moneys which may become payable by the Province under any agreement entered into pursuant to paragraph (t) of subsection (1) shall be payable out of the General Revenue Fund without any further or other appropriation than is hereby provided.”

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

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SECOND SESSION  
**TENTH LEGISLATURE**  
9 GEORGE VI  
1945

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**BILL**

A Bill to amend The Provincial  
Lands Act.

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Received and read the

First time.....

Second time.....

Third time .....

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HON. MR. TANNER.

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A. Shnitka, King's Printer  
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