

Bill No. 77 of 1946.

A BILL TO AMEND THE PROVINCIAL LANDS ACT

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**NOTE.**

Section 1 of the Bill adds a new paragraph (i) to subsection (1) of section 16. That subsection enumerates a number of covenants and agreements which are implied in an agricultural lease. This is not new but formerly appeared as a proviso to subsection (3) of section 17. It more appropriately appears where the amendment places it and is struck out of section 17 (3) by section 2 of the Bill, which also adds two new subsections to section 17, (5) and (6). Subsection (5) provides that where an agricultural lessee assigns his lease, the assignee cannot get title until the expiration of ten years from the assignment, while subsection (6) provides that an agricultural lessee who obtains title shall not be eligible to apply for another lease.

Section 3 of the Bill adds a new subsection to section 32 providing that a lessee who assigns his agricultural lease cannot apply for another lease for two years after registration of the assignment.

Section 4 of the Bill adds three new subsections to section 44 dealing with royalties on minerals. The new subsection (6) provides that with respect to a lease or title of minerals which is subject to the payment of a royalty, the royalty to be computed, levied and collected shall be as now or hereafter prescribed by the Lieutenant Governor in Council and shall be payable on any mineral when and where obtained, recovered or produced. Subsection (7) authorizes the Minister in computing the royalty on any liquid hydro-carbon except crude oil, to give consideration to the cost of processing for the recovery of such product, while subsection (8) gives an extended meaning to the word "mineral" for the purposes of the whole section.

Section 5 of the Bill makes two amendments to section 47 of the Act. This section deals with school lands, and subsection (2) enables the Minister to sell school lands as part of a block for the purpose of irrigation or to set them aside for the purpose of an Indian or other public reserve, or for any other purpose which the Minister considers to be in the public interest. The purpose of the amendment is to include in the term "public interest" the re-establishment in agriculture of service men. A further amendment to section 47 is the striking out of the second proviso to subsection (2) authorizing the Minister to sell the surface to the lessee of

the mining rights under school lands in certain cases. A new proviso to this subsection is inserted by paragraph (b) of section 5 of the Bill which authorizes the Minister to sell to a school district or school division a portion of school lands for dormitories, etc., at the market value at the time of sale.

Section 89 of the Act which is amended by section 6 of the Bill deals with the issue of a notification to the Land Titles Office when an agricultural lessee has become entitled to receive a certificate of title and authorizes the Minister or Deputy Minister to sign the notification. The purpose of the amendment is to extend this authority to some other officer of the Department authorized in writing by the Minister.

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. 77 of 1946.

An Act to amend The Provincial Lands Act.

(Assented to \_\_\_\_\_, 1946)

**HIS 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 by adding immediately after paragraph (h) of subsection (1) thereof the following new paragraph:

“(i) that he agrees that all trees suitable for the manufacture of timber products are reserved to the Crown together with the right to use and occupy so much of the land as may be needed when cutting and removing the trees;”.

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

- (a) by striking out the proviso to subsection (3) thereof;
- (b) by adding immediately after subsection (4) thereof the following new subsections:

“(5) In the event of an agricultural lessee making an assignment of his interest in the lease pursuant to section 32, the assignee shall not be entitled to receive a notification until after the expiration of a period of ten years from the date of registration of the assignment.

“(6) An agricultural lessee to whom a notification has been granted shall not be eligible to apply for or acquire another agricultural lease.”

**3.** The said Act is further amended as to section 32 by adding immediately at the end thereof the following new subsection:

“(2) An agricultural lessee who makes an assignment of his interest in the lease shall not be eligible to apply for or acquire another lease until the expiration of a period of two years from the date of registration of the assignment.”

**4.** The said Act is further amended as to section 44 by adding immediately at the end thereof the following new subsections:

“(6) Notwithstanding the terms, conditions and provisions of any mineral lease or mineral sale for which a certificate of title has been issued now subsisting whether made

by the Crown in the right of the Dominion of Canada or by the Crown in the right of the Province, and which is subject to the payment of a royalty on the minerals or any of them, the royalty to be computed, levied and collected shall be as now prescribed by the Lieutenant Governor in Council or hereafter from time to time prescribed by him, and shall be payable on any mineral when and where obtained, recovered or produced.

“(7) In computing the royalty on any liquid hydro-carbon other than crude oil, the Minister may give consideration to any costs incurred in the operation, process or reaction for the recovery of such product, and when in doubt as to the actual costs may refer the same to the Board of Public Utility Commissioners who shall have in determining the facts all of the powers conferred under *The Public Utilities Act*.

“(8) For the purpose of this section “mineral” in addition to the meaning set out in paragraph (k) of section 2 of this Act, includes any hydro-carbon obtained by mining, separation, absorption or polymerization, or as a result of some operation or work, labour, study or skill, or through chemical reaction, or by means of any other process or reaction.”

**5.** The said Act is further amended as to section 47,—

- (a) by adding immediately after the word “interest”, where the same occurs in the seventh line of subsection (2) thereof, the words “which may include the re-establishment and rehabilitation in agriculture of members of His Majesty’s forces of World War II”;
- (b) by striking out the second proviso to subsection (2) thereof and by substituting therefor the following:  
 “Provided further that upon the recommendation of the Minister or Deputy Minister of Education, the Minister may sell to a school district or division an additional portion of school lands required for dormitories, halls, or for additional requirements, at a price to be fixed after inspection by an officer of the Department as the actual market value of the land at the time of sale.”

**6.** The said Act is further amended as to section 89 by adding immediately after the words “Deputy Minister” where the same occur in the fifth line of subsection (1) thereof the words “or by any other officer of the Department authorized for the purpose by the Minister in writing”.

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

THIRD SESSION  
TENTH LEGISLATURE  
10 GEORGE VI  
1946

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**BILL**

An Act 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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