

Bill No. 96 of 1948.

A BILL TO AMEND THE PROVINCIAL LANDS ACT

---

NOTE.

This Bill amends *The Provincial Lands Act*.

A new section 14*a* is added immediately after section 14 which changes the expressions "agricultural lease" or "agricultural lessee" to "homestead lease" and "homestead lessee" wherever the same occur in the Act or the Regulations.

Section 15 is amended by striking out subsection (3) thereof and by substituting a new subsection. The effect of the amendment is to strike out the reference to the Department's one-eighth share of crop and substitute a reference to the Department's share of the crop which is now to be fixed by the Lieutenant Governor in Council. The amendment also makes it clear that the percentage of the Department's share payable to the municipal district, improvement district or school district, as the case may be, is a percentage of the share fixed by the Lieutenant Governor in Council.

Section 17 is amended by striking out subsection (1) thereof and by substituting two new subsections. The reference to a one-eighth share of the crop is deleted and subsection (1) provides that the Lieutenant Governor in Council may fix the share of crop payable as rent under a homestead lease.

Subsection (1*a*) provides that where land is improved at the time of the granting of the homestead lease, the Minister may fix and collect an additional share of the crop for seven years which shall be accepted as payment in full for the improvements.

Section 21 is amended to provide that applications for leases are to be made at the Provincial Lands Office for the district in which the land is situate or at such other place as may be authorized during regular office hours.

A new section 26*a* is added immediately after section 26. This section enables a person appointed in writing by the Minister to examine or inspect storage tickets, books of account or other documents or records relating to the possession, delivery, transportation, storage or other disposition of any crop or share of crop grown on land leased from the Crown pursuant to this Act. The person so appointed for the purpose of making his inspection or examination may enter the lands and premises of the lessee or of any elevator company, or of any storage or transportation company where in his opinion the storage tickets or records may be found.

Section 36 is amended to provide that no settler or purchaser shall be entitled to get final title to any land to which this Act applies while he is indebted to the Crown in any way. All indebtedness must be paid off before title can be obtained.

Section 38 is amended. Under subsection (5) of that section the forage value of lands included in a lease is fixed annually in accordance with a formula prescribed by the Lieutenant Governor in Council. The effect of the amendment is that the Minister may now prescribe the formula.

A new section 44*c* is added immediately after section 44*b*. This section provides that where the payment of a royalty has been reserved to the Crown there shall be payable to the Minister on and after the first day of April, 1948, a royalty of ten cents per ton on any coal mined where the title is held under lease from the Crown, and a royalty of fifteen cents per ton on any coal mined where the title is held in fee simple or under an agreement for sale from the Crown in the right of the Dominion.

Section 66 is amended by the addition of three new subsections immediately after subsection (3). Under subsection (3*a*) whenever any timber agent or officer receives information that wages payable by a licensee or permittee in respect of timber operations are in default for more than thirty days, he may seize any timber and equipment belonging to the licensee or permittee.

Under subsection (3*b*) when such a seizure is made, he must notify the licensee or permittee of the seizure and the reasons therefor and shall report to the Minister.

Under subsection (3*c*) if payment of the wages in default is not made within fifteen days, the timber and equipment seized may be sold and the proceeds used to pay the wages in default.

Section 78 is amended by striking out paragraph (*tt*) and substituting a new paragraph. The new paragraph enables the Lieutenant Governor in Council to authorize the Minister to enter into leases to implement any land clearing and breaking agreement and for that purpose to exempt from assessment and taxation for a period of three assessment years any lands with respect to which the lease or other agreement has been made. The Minister may also provide that the land in each subsequent year shall be liable to assessment in the name of the homestead lessee and that the taxes shall be paid on his behalf by the Minister.

Section 87 is amended by striking out subsection (3) thereof. Subsection (3) provided for simple interest being paid on cash deposits. Bearer bonds are now deposited instead of cash and subsection (3) is accordingly no longer necessary.

A new section 108*a* is added immediately after section 108. It enables the Minister or any person appointed by him in writing to make a seizure of the lessee's grain where default is made in the due payment of any share of the crop payable to the Crown in the right of the Province. The onus of proof that grain found upon land leased by the lessee is not the property of the lessee shall lie upon the lessee. Any grain seized by the Minister may be sold at the current market price.

Section 109 is amended by making a reference to property seized under section 66.

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. 96 of 1948.

An Act to amend The Provincial Lands Act.

(Assented to \_\_\_\_\_, 1948.)

**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 by adding immediately after section 14 thereof the following new section:

“**14a.** The expressions ‘agricultural lease’ and ‘agricultural lessee’ shall be deemed to be and shall mean and refer to a ‘homestead lease’ and a ‘homestead lessee’ respectively, whenever the same occur in this Act and the Regulations.”.

**2.** The said Act is further amended as to section 21 by striking out the words “at the Provincial Lands Office for the district in which the land is situate between such hours as are, from time to time, fixed”, where the same occur in subsection (1) thereof, and by substituting therefor the words “during the regular office hours at the Provincial Lands Office for the district in which the land is situate or at such other place as may be authorized”.

**3.** The said Act is further amended as to section 15 by striking out subsection (3) thereof and by substituting therefor the following:

“(3) The Minister is hereby authorized and empowered to pay from the moneys received in any year by him as the proceeds of the Department’s share of crop from any land which is held as aforesaid,—

“(a) forty per cent of the money received to the municipal district or improvement district in which the land is situate; and

“(b) forty per cent of the moneys received to the school district in which the land is situate or, in case the school district is in a school division, to the municipal district or improvement district in which the land is situate;

and in any case where the Minister pursuant to subsection (1a) of section 17 has fixed an additional share of the crop as payment for improvements, the percentage payable to the

municipal district, improvement district or school district, as the case may be, shall be a percentage of the share of the crop fixed by the Lieutenant Governor in Council as rental and not of the additional share of the crop.”.

**4.** The said Act is further amended as to section 17 by striking out subsection (1) thereof and by substituting therefor the following:

“**17.**—(1) The rent payable under a homestead lease shall be such share of the crop or such share of a specified portion of the crop as may be fixed by the Lieutenant Governor in Council.

“(1a) Where the land is improved at the time of the granting of the homestead lease, the Minister may fix and collect an additional share of the crop for each of the first seven years of the lease which shall be accepted as payment in full for the improvements.”.

**5.** The said Act is further amended by adding immediately after section 26 thereof the following new section:

“**26a.**—(1) In the case of any crop or share of crop grown on land leased from the Crown pursuant to this Act or any other Act of the Province under a lease which provides for payment of rental on a crop share basis, any person appointed in writing by the Minister may examine or inspect any storage ticket, book of account or other document or record relating to the possession, delivery, transportation, storage or other disposition of such crop, share of crop or portion thereof.

“(2) Any person so appointed may, for the purpose of making such examination or inspection, enter during the hours of daylight the lands and premises of the lessee or of any elevator company or of any storage or transportation company or of any other person, firm or corporation where, in the opinion of the person so appointed, any such storage ticket, book of account or other document or record relating to such crop, share of crop or portion thereof may be found.”.

**6.** The said Act is further amended as to section 36 by striking out the same and by substituting therefor the following:

“**36.** No settler or purchaser shall be entitled to receive title to any land to which this Act applies while he is liable, either as principal or surety upon a bond to the Crown or the Minister, or as a mortgagor on a mortgage in favour of the Crown or of the Minister, for a sum due or payable in respect of an advance of seed grain, or because of any other indebtedness to the Crown.”.

**7.** The said Act is further amended as to section 38 by striking out the words “formula prescribed by the Lieuten-

ant Governor in Council", where the same occur in subsection (5) thereof, and by substituting therefor the words "formula prescribed by the Minister".

8. The said Act is further amended by adding immediately after section 44*b* thereof the following new section:

"44*c*. Notwithstanding the terms and provisions of any certificate of title, agreement for sale, or lease which conveys coal or the right to mine, win, work or excavate the same, where the payment of a royalty has been reserved to the Crown in the right of the Dominion or in the right of the Province, there shall be payable to the Minister on, from and after the first day of April, 1948,—

"(a) a royalty of ten cents per ton on any coal mined or excavated from any land, the title to which is held under lease from the Crown in the right of the Dominion or in the right of the Province;

"(b) a royalty of fifteen cents per ton on any coal mined or excavated from any land, the title to which is held in fee simple, or under an agreement for sale from the Crown in the right of the Dominion."

9. The said Act is further amended as to section 66 by adding immediately after subsection (3) thereof the following new subsections:

"(3*a*) Whenever any timber agent or officer receives satisfactory information supported by affidavit or statutory declaration that wages payable by any licensee or permittee in respect of timber operations are in default for a period of over thirty days, or if any timber agent or officer from other sources of information or his own knowledge is aware that wages are in default as aforesaid, he may seize or cause to be seized any timber belonging to the licensee or permittee wherever found, together with any trucks, tools and equipment used in the timber operations of the licensee or permittee.

"(3*b*) Whenever any property is seized under the provisions of subsection (3*a*), the person making the seizure shall forthwith serve the licensee, permittee or person in charge of the timber operations with a notice of the seizure and the reasons therefor, and shall also make a report in writing to the Minister.

"(3*c*) If payment of the wages in default is not made within fifteen days after notice of the seizure has been served, the person making the seizure may, with the sanction of the Minister, sell the timber, trucks, tools and equipment seized, by public auction and after deducting the wages in default and the expenses of and incidental to the seizure and sale, he shall pay the balance, if any, to the licensee or permittee or other person lawfully entitled thereto:

"Provided that, if a bid is not made at the auction amounting to the sum equal to the claim against the licensee or permittee, the timber may be disposed of at a private sale.

“(3d) The Minister shall dispose of the wages collected as a result of any seizure and sale to the workmen entitled thereto and in the event of any dispute arising, the provisions of subsection (2) of section 74 shall apply.”.

**10.** The said Act is further amended as to section 78 by striking out paragraph (tt) thereof and by substituting therefor the following:

“(tt) authorize the Minister to enter into any homestead leases necessary to implement any agreement made by the Minister pursuant to section 2 of chapter 5 of the Statutes of Alberta, 1945 (Second Session), or pursuant to *The Land Clearing and Breaking Projects Act*, and for that purpose to exempt from assessment and taxation for a period of three assessment years any lands with respect to which any homestead lease has been made, and to provide that the land in each subsequent year shall be liable to assessment in the name of the homestead lessee and that the taxes shall be paid on his behalf by the Minister;”.

**11.** The said Act is further amended as to section 87 by striking out subsection (3) thereof.

**12.** The said Act is further amended by adding immediately after section 108 thereof the following new section:

“**108a.**—(1) In case default is made in the due payment of any share of the crop payable to the Crown in the right of the Province under a lease entered into pursuant to this Act, the Minister or any person appointed by him in writing, may levy the same with costs by distress, as a landlord may recover rent in arrears, upon any grain wherever found within the Province belonging to the lessee.

“(2) The onus of proof that any grain found upon land leased by the lessee is not the property of the lessee shall lie upon the lessee.

“(3) The Minister or any person appointed by him in writing may have any grain seized by him pursuant to the provisions of subsection (1) hauled to the nearest elevator or to any other convenient and suitable place of storage and may dispose of the grain at the current market price.

“(4) *The Seizures Act* shall not apply to any seizure made under this section.”.

**13.** The said Act is further amended as to section 109 by adding immediately after the words “property is seized under”, where the same occur in subsection (1) thereof, the word and figures “section 66,”.

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

---

---

FIFTH SESSION  
**TENTH LEGISLATURE**

12 GEORGE VI

1948

---

---

**BILL**

An Act to amend The Provincial  
Lands Act.

---

---

Received and read the

First time .....

Second time .....

Third time .....

---

---

HON. MR. TANNER.

---

---