

Bill No. 112 of 1951.

A BILL TO AMEND THE COMMUNAL PROPERTY  
ACT.

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NOTE.

This Bill amends "*The Communal Property Act*, being chapter 16 of The Statutes of Alberta, 1947.

The definition of "colony" is amended by deleting the last few words which exclude churches or religious organizations. These words do not appear to be essential to the definition and if a colony incorporates as a church under the present definition the Act would not apply to it.

The definition of "Director" is struck out and a new definition is substituted in its stead. Under the amended definition "Director" means the Chairman of the Alberta Assessment Commission.

Section 5 is amended by the addition of two new subsections. The new subsection (4) provides that where a colony loses a major portion of a quarter-section for an irrigation project or other public purposes the Director, in his discretion, may permit the colony to acquire a full quarter-section in lieu of the land lost. The colony is presently authorized to acquire an amount of land exactly equivalent to that lost but it is usually impossible to purchase a fraction of a quarter-section.

The new subsection (5) to section 5 enables the colony to exchange isolated parcels for other lands which are more acceptable. In a case where a colony owns one or two parcels at a distance from the major portion of its holding it can sell or otherwise dispose of such parcel and may acquire instead an equivalent amount of land which is in a more convenient location.

A new section 5a is added. This section enables the Lieutenant Governor in Council to divide the Province into zones according to the nature of the soil, climatic conditions and things of a like nature. The Lieutenant Governor in Council may designate the number of acres that a colony, established after the 1st of May, 1951, may acquire in any zone or class of zones and the acreage may vary from zone to zone. In areas where land is less productive more acreage is required to support a colony that might be required in more fertile areas. The section also authorizes the Lieutenant Governor in Council to authorize a colony to

purchase or acquire any designated parcel if it appears to be in the public interest to do so, notwithstanding that the colony may exceed its authorized holdings. Certain lands adjacent to a colony may be inaccessible or useless to any person other than members of a colony. In such special cases the Lieutenant Governor in Council may authorize the colony to acquire the land in question.

Section 6, subsection (3) is amended to make it clear that the maximum holding of sixty-four hundred acres of land applies only to colonies established between the 1st of May, 1947, and the 1st of May, 1951. A new subsection (4) is added to section 6 providing that in the case of a colony that was established after the 1st of May, 1951, it shall not acquire in any zone land exceeding in area the number of acres that a colony may hold in that zone as designated by the Lieutenant Governor in Council.

This Bill comes into force on the 1st day of May, 1951.

KENNETH A. MCKENZIE,  
*Legislative Counsel.*

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

# BILL

No. 112 of 1951.

An Act to amend The Communal Property Act.

(Assented to \_\_\_\_\_, 1951.)

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

1. *The Communal Property Act*, being chapter 16 of the Statutes of Alberta, 1947, is hereby amended.

2. Section 2 is amended,—

Section 2  
amended

(a) by striking out the words “, but shall not include any church or other religious organization or congregation”, where they occur in clause (a);

(b) by striking out clause (c) and by substituting the following:

“(c) ‘Director’ means the Chairman of the Alberta Assessment Commission appointed pursuant to *The Alberta Municipal Assessment Commission Act*.”

“Director”

3. Section 5 is amended by adding immediately after subsection (3) the following new subsections:

Section 5  
amended

“(4) Notwithstanding subsection (3), where a major portion of the land in any quarter-section held by a colony is taken for irrigation or other public purposes, or is exchanged or disposed of under subsection (5), the Director, in his discretion, may permit the colony to acquire by purchase, lease or otherwise a full quarter-section in substitution therefor.

“(5) In any case where a colony owns or leases an isolated or other parcel of land which it desires to exchange for other land which is more accessible, suitable or convenient for its purposes, the colony may sell, exchange or otherwise dispose of the isolated or other parcel and may purchase, lease or otherwise acquire the land it desires to acquire if by so doing the colony does not exceed its authorized holdings.”

4. The following new section 5a is added immediately after section 5:

New  
section 5a

“5a. (1) The Lieutenant Governor in Council may make regulations,—

Regulations

“(a) dividing the Province into zones;

“(b) classifying the zones according to the nature of the soil, climatic conditions, amount of precipitation and average land values;

“(c) designating the number of acres that a colony established after the first day of May, 1951, may acquire in any zone or class of zones which acreage may vary from zone to zone.

“(2) In any case where the Lieutenant Governor in Council is of the opinion that it is expedient in the public interest to do so, the Lieutenant Governor in Council may authorize a colony to purchase, lease or otherwise acquire any designated parcel or parcels of land notwithstanding that by so doing the colony will exceed its authorized holdings under the other provisions of this Act.”.

Section 6  
amended

5. Section 6 is amended,—

(a) by adding at the beginning of subsection (3) the words “In the case of a colony that was not established in the Province on the first day of May, 1947, but that was established in the Province before the first day of May, 1951,”;

(b) by adding immediately after subsection (3) the following new subsection:

“(4) In the case of a colony that was established in the Province on or after the first day of May, 1951, it shall not acquire in any zone land exceeding in area the number of acres that a colony may hold in that zone as designated by order of the Lieutenant Governor in Council.”.

Coming  
into force

6. This Act shall come into force on the first day of May, 1951.

No. 112.

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**FOURTH SESSION  
ELEVENTH LEGISLATURE**

**15 GEORGE VI**

**1951**

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**BILL**

An Act to amend The Communal  
Property Act.

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Received and read the

First time .....

Second time .....

Third time .....

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**HON. MR. CASEY.**

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