

Bill No. 45 of 1952.

A BILL TO AMEND THE PUBLIC LANDS ACT

NOTE.

This Bill amends *The Public Lands Act*, being chapter 81 of the Statutes of Alberta, 1949.

Section 45 is amended by adding a new subsection (5). The new subsection provides that the assignee of a homestead lease may not assign unless he has in turn performed residence requirements.

Section 54 is amended. A new subsection (1) provides that the cultivation lease is now for a term not exceeding ten years and, where all arrears and current charges in respect of the lease are paid, it may be renewed by an indorsement on the lease. Formerly a cultivation lease was for a term of ten years and it could be renewed on such terms and conditions as the Minister might prescribe at the time of the granting of the renewal. A new subsection (4) provides that a lease or a renewal of a lease is subject to the regulations in force whether the regulations were made before or after the issue of the lease or the renewal.

A new subsection (2a) is added to section 59 which provides that a company acquiring a lease pursuant to subsection (2) of section 59 must continue to have the majority of the shares of the company owned by residents of the Province for their exclusive use and benefit and not in the interests or for the benefit of any other person while the lease is recorded in its name.

Section 63, subsection (3) is amended for purposes of clarification.

Section 68 is struck out and a new section substituted. The section provides that lands comprised within a grazing lease shall be used in accordance with conservation and proper range practice; that the lessee shall seed to grass and otherwise reclaim land which has been cultivated and abandoned for which the Minister may compensate by way of rebate of rentals and taxes on the lease up to twenty-five per cent of the cost.

Subsection (1) of section 74 is amended by adding the words "or dues" for the purpose of clarifying the section.

Section 102 is struck out and a new section substituted which prohibits a charge being created upon public lands except by a settler or a person purchasing public lands creating a charge for the benefit of the Crown.

Section 113, clause (a) is amended by the addition of two new subclauses. These subclauses permit the Lieutenant Governor in Council to make regulations governing,—

- (a) removal of sand and gravel from public lands, including beds of rivers; and
- (b) the leasing of islands by tender for the purposes for which the islands are best suited.

Section 126 is amended by adding a new subsection (4). This subsection provides that where any officer under this Act receives satisfactory information that sand or gravel has been removed without authority from public lands, including the beds of rivers, the officer may seize or cause to be seized, whenever found, such sand or gravel together with any automobile, trucks, tools and equipment used in the removing and transportation of the sand or gravel. The sand, gravel, trucks, tools and equipment seized are liable then to confiscation to the Crown.

Section 128a is struck out and a new section substituted. Subsection (1) provides that the Minister may require of a person who makes use of public lands without authority the payment of a sum of money prescribed by the Minister in addition to the regular rate prescribed for such use of public lands. Subsection (2) provides that the sum of money which the Minister prescribes in subsection (1) shall be deemed a debt owing the Crown and collectible by proceedings in a court. Subsection (3) creates an offence. Any person who removes property belonging to the Crown from public lands without authority and who fails to make payment as prescribed in subsection (1) is guilty of an offence and liable, upon summary conviction, to a fine of not less than fifty dollars and in default of payment to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

A new section 149a is added. It provides that the Provincial Treasurer shall transfer moneys received from lands recovered through tax enforcement proceedings and declared public land by the Lieutenant Governor in Council to the taxing authority at the close of the fiscal year.

This Bill comes into force upon assent.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 45 of 1952.

An Act to amend The Public Lands Act.

(Assented to , 1952.)

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

1. *The Public Lands Act*, being chapter 81 of the Statutes of Alberta, 1949, is hereby amended.

2. Section 45 is amended by adding immediately after subsection (4) the following new subsection: Section 45
amended

“(5) A person who,—

“(a) has obtained a lease by assignment; and

“(b) has not personally performed six months’ residence terminating in the immediately preceding twelve calendar months;

shall not be granted permission by the Minister to assign or exchange his homestead, but this subsection shall not preclude the Minister from granting the permission where the lessee was prevented from performing the residence by reason of a physical disability that is verified by a medical certificate.”.

3. Section 54 is amended,—

Section 54
amended

(a) by striking out subsection (1) and by substituting the following:

“54. (1) A cultivation lease shall be for a term not exceeding ten years and if all arrears and current charges in respect of the lease are paid may be renewed for a further term of ten years by an indorsement on the lease.”; Term of
cultivation
lease

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

“(4) The lease and renewal shall be subject to the regulations in force from time to time whether the regulations are made before or after the issue of the lease or the renewal of the lease.”. Lease and
renewal
subject to
regulations

4. Section 59 is amended by adding immediately after subsection (2) the following new subsection: Section 59
amended

“(2a) If, during the continuance of its lease the company is unable to comply with the provisions of subsection (2), the

company shall automatically and without any declaration on the part of the Minister forfeit its lease and this subsection shall apply to leases heretofore in existence.”.

Section 63
amended

5. Section 63, subsection (3) is amended by adding immediately after the word “rental” the words “for the calendar year”.

Section 68
amended

6. Section 68 is struck out and the following is substituted:

Grazing
of stock

“68. (1) Any land comprised within a grazing lease shall be utilized for the grazing of stock in accordance with conservation and proper range management practices.

“(2) The lessee of grazing land shall seed to grass and otherwise reclaim, in such manner as the Minister may direct, any land which has been cultivated and abandoned.

“(3) Compensation not to exceed twenty-five per cent of the cost of conservation, reclamation, regrassing and improvement projects may be made to the lessee by the Minister by way of rebate of future rentals and taxes on the lease.”.

Section 74
amended

7. Section 74, subsection (1) is amended by adding immediately after the word “fee” the words “or dues”.

Section 102
amended

8. Section 102 is struck out and the following is substituted:

Public
lands not
chargeable

“102. (1) No charge of any nature may be created upon any land to which this Act applies, except in the case of a settler or a person purchasing public land liable,—

“(a) either as principal or surety upon a bond to the Crown or a Minister of the Crown; or

“(b) as a mortgagor on a mortgage in favour of the Crown or of a Minister of the Crown; or

“(c) as a liability of the settler or purchaser for a sum due or payable in respect of an advance of seed grain; or

“(d) because of any other indebtedness to the Crown or a Minister of the Crown.

“(2) A liability of the nature referred to in clause (a), (b), (c) or (d) of subsection (1) shall be and remain a charge upon the land and no notification shall issue in the name of such person for such land until the liability is satisfied and extinguished according to law.”.

Section 113
amended

9. Section 113, clause (a) is amended by adding immediately after subclause (x) the following new subclauses:

“(xi) the removal of sand and gravel from public lands, including the beds of rivers;

“(xii) the leasing of islands by tender after an inspection for the purposes for which they are best suited;”.

10. Section 126 is amended by adding immediately after subsection (3) the following new subsection:

"(4) Whenever any officer receives satisfactory information supported by affidavit or statutory declaration made before a justice of the peace or before any other competent officer or person, that any sand or gravel has been removed without authority from public lands, including the beds of rivers, or if any officer from other sources of information or his own knowledge is aware that any sand or gravel has been removed without authority from any such lands, he may seize or cause to be seized whenever found the sand or gravel so reported or known to be removed, together with any automobile, trucks, tools, and equipment used in the removing and transportation of the sand or gravel, and the sand or gravel, trucks, tools and equipment seized shall be liable to confiscation to Her Majesty as provided by section 127."

Seizure of
sand and
gravel

11. Section 128a is struck out and the following is substituted:

"128a. (1) The Minister may require a person who makes use of public lands without authority to pay such sum of money as the Minister may prescribe, in addition to the regular rate prescribed for such use.

Payment for
public lands
used without
authority

"(2) The sum of money prescribed by the Minister pursuant to subsection (1) shall be deemed a debt owing to the Crown and may be collected by proceedings in a court of competent jurisdiction.

"(3) A person,—

"(a) who removes any property belonging to Her Majesty from public lands without authority; or

Penalty for
unauthorized
removal of
property

"(b) who fails to make payment as required of him pursuant to subsection (1);

shall be guilty of an offence and liable upon summary conviction to a fine of not less than fifty dollars and in default of payment to imprisonment for a term not exceeding thirty days, or to both fine and imprisonment."

12. The following new section is added immediately after section 149:

"149a. (1) The Provincial Treasurer shall transfer to the taxing authority moneys received as rental or taxes from, or by the sale or any other disposition of land,—

Transfer of
proceeds
of rental
or sale

"(a) situate in an improvement district or within the boundaries of a municipal district; and

"(b) title to which was recovered through tax enforcement proceedings; and

"(c) which has been declared by the Lieutenant Governor in Council to be public land and subject to the provisions of this Act.

“(2) The moneys received from such land shall be transferred immediately at the close of the fiscal year or at such other time as the Minister may direct.”.

Coming
into force

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

No. 45.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Public Lands
Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. TANNER.
