

BILL

No. 75 of 1953

An Act to amend The Public Lands Act

(Assented to _____, 1953)

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 2 is amended,

Section 2
amended

(a) by striking out clause (e) and by substituting the following:

“(e) ‘crop year’ means the calendar year;”;

“crop year”

(b) by striking out clause (z).

3. Section 11 is amended by adding immediately after subsection (2) the following new subsection:

Section 11
amended

“(3) The term of the lease shall commence,

Commence-
ment of
term

“(a) if the lease is issued between the first day of January and the thirtieth day of June in any year, on the first day of January in that year;

“(b) if the lease is issued between the first day of July and the thirty-first day of December in any year, on the first day of January in the following year

but the date on which the lessee is entitled to occupy the leasehold is the date of issue.”.

4. Section 12 is amended,

Section 12
amended

(a) by striking out the words “in Alberta” where they occur in subsection (3);

(b) by striking out the words “, and in the case of married persons, both husband and wife shall comply with these requirements as to divestment” where they occur in subsection (4);

(c) by adding immediately after subsection (4) the following new subsection:

“(4a) If the husband or wife of a person making application for a homestead is in possession or control of a farm under any terminable agreement, then the husband or wife shall divest himself or herself of all interest in such farm to the extent that the total area of the farm and the homestead

exceeds two quarter sections, within twelve months from the date of issue of the homestead lease, failing which the homestead lease automatically becomes null and void without any declaration by the Minister.”.

Section 16
amended

5. Section 16 is amended,

- (a) by striking out the word “shall” where it occurs in subsection (2a) and by substituting the words “at the discretion of the Minister may”;
- (b) by striking out the words “section 17 of this Act” where they occur in subsection (6) and by substituting the words “section 16b, unless the lessee has paid for the cultivation of the land before the lease is issued”.

Section 17
amended

6. Section 17 is amended by striking out subsection (1b) and by substituting the following:

Rent pay-
able for
land under
cultivation

“(1b) In the case of land under cultivation at the time of the granting of the lease,

“(a) for which cultivation, moneys were expended by the Government of Canada under *The Veterans' Land Act, 1942*, or

“(b) for which cultivation the lessee paid before the lease was issued,

the rent shall be that payable under section 16a, and section 16b does not apply with respect to such land.”.

Section 18
amended

7. Section 18 is amended,

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

Residence
require-
ments of a
homestead
lease

“18. (1) The lessee in the fourth year of the term of his lease and in each year thereafter shall perform at least six months' residence duties on the leasehold or on land in the vicinity as provided hereinafter.

“(1a) Notwithstanding subsection (1), if the leasehold is land cleared and broken under an agreement made under chapter 5 of the Statutes of Alberta, 1945 (Second Session) or under *The Land Clearing and Breaking Projects Act*, the lessee in the second year of the term of his lease and in each year thereafter shall perform at least six months' residence duties on the leasehold or on land in the vicinity as provided hereinafter.”;

- (b) by striking out the words “upon the homestead” wherever they occur in subsections (2), (3) and (4);
- (c) by striking out the words “three miles”, wherever they occur in subsections (2), (3), (4) and (5) and by substituting the words “five miles”.

8. Section 19 is amended, Section 19 amended

(a) by striking out subsections (1) and (2) and by substituting the following:

“19. (1) Residence shall be performed in periods of not less than one month or thirty consecutive days. Performance of residence

“(2) For calculation of residence, a total of one hundred and twenty days’ residence in a calendar year is the equivalent of four months’ residence, and a total of one hundred and eighty days’ residence in a calendar year is the equivalent of six months’ residence.”;

(b) by adding immediately after subsection (4) the following new subsection:

“(5) Sleeping on a homestead or on a farm in the vicinity while following elsewhere at other hours a trade or calling other than agriculture, is not residence.”.

9. Section 20 is struck out and the following is substituted: Section 20 amended

“20. (1) If the residence duties under section 18 are to be performed on the leasehold, the lessee, by the end of the third calendar year of the lease, shall erect on the leasehold a habitable dwelling house of the value of at least five hundred dollars. Erection of a dwelling house

“(2) If the residence duties under section 18 are to be performed in the vicinity of the leasehold, the lessee, by the end of the third calendar year of the lease, shall complete improvements of the value of five hundred dollars exclusive of the value of cultivation or any preparation of the land for cultivation.”.

10. Section 21 is amended by striking out subsections (1) and (2) and by substituting the following: Section 21 amended

“21. (1) A lessee of a homestead not exceeding one-quarter section shall break and crop the following areas in each year of the term: Breaking and crop requirements

	Break	Seed to crop
First year	10 acres	nil acres
Second year	10 acres	10 acres
Third year	15 acres	20 acres
Fourth year	15 acres	35 acres
Fifth year		50 acres
Sixth year		50 acres
Seventh year	15 acres	50 acres
Eighth year	15 acres	65 acres
Ninth year		80 acres
Each year thereafter		80 acres

11. Section 24 is struck out and the following is substituted: Section 24 amended

“24. (1) If a lessee fails to perform the requirements of a homestead lease for reasons satisfactory to the Minister, Extension of time to perform requirements

the Minister may grant an extension of time for the performance of the covenants and agreements of the lease.

“(2) If the requirement which the lessee fails to perform concerns residence, no extension will be granted unless satisfactory evidence of the lessee’s inability to perform residence requirements is furnished the Minister.”

Section 32
amended

12. Section 32 is amended,

- (a) by adding immediately after the word “improvements”, where it occurs in clause (g) the words “or chattels”;
- (b) by adding immediately after clause (g) the following new clause:
“(h) the lessee does not erect a dwelling or complete improvements in accordance with section 20.”.

Section 33
amended

13. Section 33 is struck out and the following is substituted:

Lessee’s
objections to
cancellations

“**33.** (1) If a homestead is to be cancelled, the Director shall give the lessee thirty days within which to submit a statement of his objections to cancellation of the homestead.

“(2) If the lessee fails to submit a statement or if his objections in the opinion of the Director are not satisfactory, the Director may cancel the homestead lease summarily.”.

Section 44
amended

14. Section 44 is amended by adding immediately after subsection (5) the following new subsection:

“(6) The Minister in his discretion may refuse to accept applications during the month of June in any year.”.

Section 54
amended

15. Section 54 is amended by striking out subsection (1) and by substituting the following:

Term of
cultivation
lease

“**54.** (1) The term of a cultivation lease shall not exceed ten years.

Subsequent
lease

“(1a) At the end of the term, the Minister in his discretion may lease the land again subject to the statutory provisions and regulations then in force, and may grant the lessee of the preceding lease the first opportunity of acquiring the new lease.”.

Section 59
amended

16. Section 59 is amended,

- (a) by striking out subsection (2a);
- (b) by adding immediately after subsection (3) the following new subsection:

Application
by grazing
association

“(4) A grazing association making application for a lease shall show that it is incorporated under *The Societies Act*, and shall file in the Department a copy of its by-laws.”.

- 17.** Section 62 is amended, Section 62
amended
- (a) by striking out the word "grazing" where it occurs in subsection (1);
 - (b) by striking out subsection (4).

- 18.** Section 63 is amended by striking out subsection (3) and by substituting the following: Section 63
amended

"(3) Notwithstanding the provisions of a grazing lease heretofore or hereafter granted, commencing on the first day of January in the year first following the granting of the lease, the lease year is the calendar year, and the cash rental is payable, Cash rental
payable

- (a) in the case of a lease held by a grazing association, on or before the first day of May in each year;
- (b) in the case of any other lease, on or before the first day of April in each year."

- 19.** The following new section is added immediately after section 72: New section
72a

"**72a.** (1) If a lease is held by a grazing association, the association shall operate the leasehold for the benefit of the settlers in the district in which the leasehold is located. Grazing
association
holds for
benefit of
settlers

"(2) If a dispute arises regarding the right to graze stock on the leasehold, the Minister shall settle the dispute as he deems best."

- 20.** The following new section is added immediately after section 79: New section
80

80. (1) Where any company has obtained a grazing lease, whether its lease was made under the provisions of this Act, *The Provincial Lands Act* or the *Dominion Lands Act* or the regulations made under any of the said Acts, the Minister at any time by notice in writing may require the lessee to furnish proof that at the time of the notice, Minister may
require
company to
furnish proof

"(a) it is incorporated under the laws of Canada or of the Province of Alberta; and

"(b) the majority of its shares are owned by residents of the Province for their exclusive use and benefit and not in the interests of or for the benefit of any other person.

"(2) If the lessee fails to comply with the notice or if the proof furnished by the lessee is not satisfactory to the Minister, the Minister may cancel the lease."

- 21.** Section 100a is amended by striking out subsections (4), (5) and (6). Section 100a
amended

- 22.** The following new sections are added immediately after section 100c: New sections
100d and
100e

"**100d.** (1) If the Minister is satisfied that any land leased pursuant to this Act, other than land leased for homestead, contains sand or gravel in commercial quanti- Minister may
withdraw
land contain-
ing sand and
gravel

ties, he may withdraw the land from the lease to which it is subject on giving the lessee thirty days' notice in writing.

"(2) If the land is withdrawn from a lease under subsection (1) the lessee shall be entitled to a reduction in the rent proportionate to the reduction in the lands leased, but shall not be entitled to any other compensation unless, in his discretion, the Minister so decides.

Right of entry

"100e. Where entry upon land is granted,

"(a) for the purpose of exploration by the Minister;

"(b) for the purposes set out in *The Right of Entry Arbitration Act, 1952*, by the Board appointed under that Act; or

"(c) for pipe line purposes;

the land upon which entry is granted, at the discretion of the Minister, may be withdrawn from the lease."

Section 102 amended

23. Section 102, subsection (1) is amended by striking out the words "charge of any nature may be created upon" and by substituting the words "charge or claim of any nature and no interest entitling the holder to file a caveat may be created upon or affecting".

Section 113 amended

24. Section 113 is amended

(a) by adding immediately after subclause (xii) of clause (a) the following new subclause:

"(xiii) requiring

"(A) the registration of assignments, and

"(B) the submission for the consent of the Minister

of agreements affecting leases;"

(b) by adding at the end of clause (i) the words ", and for the granting of the consent of the Minister to agreements affecting leases".

Application of amendments to homestead lessee

25. A homestead lease issued before the first day of April, 1953, may be administered in accordance with the amendments to Part I of *The Public Lands Act* made by this Act, and unless the lessee notifies the Director that he objects to such administration his lease shall be deemed to be varied accordingly, but no variation of a lease shall be deemed to be made if the variation would make it more difficult for the lessee to obtain notification.

Coming into force

26. This Act comes into force on the day upon which it is assented to.

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to amend The Public Lands
Act

Received and read the

First time

Second time.....

Third time.....

HON. MR. CASEY
