

BILL

No. 23 of 1921.

An Act to Facilitate the Sale of Lands Vested in the Crown
in the Right of the Province.

(Assented to _____, 1921.)

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

1. This Act may be cited as "*The Sales of Public Lands Act*."

2. In this Act, unless the context otherwise requires,—

- (a) "Minister" means a Minister authorized by statute or empowered by order in council passed pursuant to the provisions of section 30a of *The Public Service Act* or otherwise, to administer any public lands or any class of public lands vested in His Majesty in the right of the province, and includes the Minister of Municipal Affairs administering public lands vested in His Majesty in the right of the province by virtue of any tax enforcement proceedings;
- (b) "Public lands" means lands vested in His Majesty in the right of the province and includes lands vested in His Majesty in the right of the province by virtue of any tax enforcement proceedings, whether taken before or after the passing of this Act under any Act or Ordinance at any time in force in the province;
- (c) "Person" includes any body or bodies politic, corporate or collegiate.

3. Where it is not otherwise provided by statute, it shall be lawful for a Minister, and he is hereby authorized and empowered from time to time to contract and agree with any person for the sale of and absolutely to make a sale and dispose of, for such sum or sums of money as to him shall appear a sufficient consideration for the same, either in cash or on time, any public lands, and to execute and deliver to the purchaser or purchasers an agreement for sale or transfer under his hand of the premises agreed to be sold, and to give a receipt for the purchase money under his hand, and every such transfer or agreement for sale

shall be valid and sufficient to pass all the estate, right and interest of His Majesty, his heirs or successors, in or to the said public lands to which the same relates, to the person purchasing the same, according to the tenor thereof.

4. It shall be lawful for a Minister, and he is hereby authorized and empowered from time to time to exchange or agree to exchange any public lands for any other lands, tenements or hereditaments belonging to any person whomsoever, and for that purpose to enter into such contracts or agreements as to the said Minister shall seem proper, and for the purpose of effecting any such exchange of the said public lands to which this Act relates, it shall be lawful for the said Minister to convey to the person with whom the said exchange is proposed to be made, or agree to convey to him in such manner as he shall appoint, the said public lands so proposed to be given in exchange on the part of His Majesty, his heirs and successors, and the fee simple and inheritance thereof, and any such transfer or agreement shall be valid and sufficient to pass all the estate, right and interest of His Majesty, his heirs and successors in and to the the said public lands to which the same shall relate, to the person therein named, according to the tenor thereof, and the lands so received in exchange shall on the execution of the transfer or agreement thereof, respectively become part of the possessions of His Majesty in the right of the province, subject to the same provisions, powers and authorities in every respect, including the powers and provisions in this Act contained, as the said public lands for which they were exchanged were subject to.

5. It shall be lawful for a Minister to agree on behalf of His Majesty, his heirs or successors, for the receipt or payment of any sum of money for equalizing any exchange under the authority of the preceding section, and any such money received shall be applied as it would be applied if the public lands exchanged were sold, and any money paid shall be charged against the land taken in exchange.

6. It shall be lawful for a Minister, and he is hereby authorized and empowered to appoint an attorney-in-fact to sell and dispose of, either for cash or on time, or to lease any public lands and to stand possessed of the proceeds upon trust to pay the same as the Minister by the said power of attorney shall appoint:

Provided always that it shall not be lawful for the said Minister to empower such attorney-in-fact to execute transfers, agreements for sale or leases of the said public lands:

Provided further that the provisions of this section shall apply only to the sale or lease of public lands forfeited to the Crown by tax enforcement proceedings.

7. It shall be lawful for a Minister and he is hereby authorized and empowered from time to time to lease any public lands to any person and for that purpose to enter into such leases or agreements for leases as to the said Minister may seem proper, and every such lease or agreement for lease shall be valid and sufficient to pass the estate, right or interest of His Majesty, his heirs or successors in or to the said public lands to which the same relates to the person therein named, according to the tenor thereof.

8. It shall be lawful for a Minister, and he is hereby authorized and empowered to give any notice, make any claim or demand and to depute any person or persons to make any entry which shall be requisite or expedient to be given or made by or on behalf of His Majesty, his heirs or successors, with a view either to compel any tenant, lessee or occupier of the said public lands to which this Act relates to quit or deliver up possession thereof, or to compel the performance of any covenant, contract or engagement in relation thereto, or to recover possession on non-performance of any covenant, contract or agreement, or to compel the payment of any sum of money which ought to be paid in respect thereof, and to give any other notice, make any other claim or demand and depute or authorize any other person or persons to make any other entry which shall be requisite or expedient to be given or made by or on behalf of His Majesty, his heirs or successors, touching any of the possessions or public lands to which this Act relates, and every such notice, claim or demand shall be given or made in writing under the hand of the said Minister, and every entry which shall be made by any person or persons deputed or authorized by the said Minister by warrant under his hand to make the same on behalf of His Majesty, his heirs or successors in, to or upon the said public lands shall be good, valid and effectual to all intents and purposes whatsoever, and shall have such and the like force and effect as if the same were respectively given or made by His Majesty, his heirs or successors, and all such notices, claims, demands or entries shall respectively be deemed, construed and taken to have been given and made by and on behalf of His Majesty, his heirs or successors, any law, usage or custom to the contrary in any wise notwithstanding.

9. Notwithstanding anything in *The Public Service Act* contained, it shall be lawful for the Deputy Minister of Municipal Affairs of the Province of Alberta for the time being, and he is hereby authorized and empowered, to execute all transfers, agreements for sale, leases, agreements for leases, receipts, warrants, all agreements relating to the exchange of public lands and all notices, claims or

demands, or other documents by this Act authorized to be executed by the said Minister, and all such documents executed by the Deputy Minister of Municipal Affairs for the time being shall be as valid and effectual as if executed by the Minister:

Provided always that the provisions of this section shall apply only to lands forfeited to the Crown by virtue of any tax enforcement proceedings.

10. All agreements for sale, transfers, receipts, contracts, powers of attorney, leases, agreements for leases and warrants shall be in the form or forms prescribed by the Lieutenant Governor in Council or to like effect, and in the event of such form or forms not being prescribed by the Lieutenant Governor in Council, in any other form which the Minister may deem proper, and every document, except a receipt, shall be attested as to the execution thereof by at least one witness.

11. All sales of public lands made, all agreements for sale, transfers, powers of attorney, leases and agreements for leases to which this Act relates, heretofore made by the Minister of Municipal Affairs shall be deemed to have been made under the authority of this Act, and are hereby declared to be in full force, virtue and effect, and to be legal, valid and binding.

12. The Lieutenant Governor in Council may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Act.

No. 23.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

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An Act to Facilitate the Sale of Lands
Vested in the Crown in the Right of
the Province.

Received and read the

First time

Second time

Third time

HON. J. R. BOYLE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1921