

# BILL

No. 56 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.
- (d) "Registrar" has the same meaning as in *The Land Titles Act*.

3. It shall be lawful for a Minister and he is hereby authorized and empowered from time to time to sell by public auction at such upset price or reserved bid and on such terms and conditions as are fixed from time to time by regulations of the Lieutenant Governor in Council, any public lands, and to execute or deliver to the purchaser or purchasers an agreement of sale or transfer under his hand of the premises sold, and to give a receipt for the purchase money under his hand, and every such agreement

of sale shall be binding upon His Majesty, his heirs and successors according to the tenor thereof, and every such transfer shall be valid and sufficient to pass all the estate, right and interest of His Majesty, his heirs and successors in or to the said public lands to which the same relates to the person purchasing the same, according to the tenor thereof, and shall have the same effect as if the said public lands had been granted by letters patent.

4. In the event of a purchaser not complying with the covenants, terms and conditions of an agreement of sale or with the conditions of sale, it shall be lawful for a Minister and he is hereby authorized and empowered at his option to rescind, determine and put an end to such sale and to forfeit any moneys paid by the purchaser, or recover the same with costs in any court of competent jurisdiction in an action to be brought in the name of His Majesty in the right of the province.

5. Notwithstanding anything in any statute to the contrary contained, it shall be lawful for a Minister in all cases where land has been vested in the Crown by virtue of tax enforcement proceedings to transfer the said land to the person or to the estate of the person whose title to the said land was extinguished by the said tax enforcement proceedings, upon payment of all taxes, costs, penalties or interest due upon the said land:

Provided always that such transfer shall be endorsed with a memorandum that the said transfer effects a re-transfer of the lands mentioned therein to the owner whose title has been forfeited by tax enforcement proceedings. On registration of such transfer, the registrar shall either revive the certificate of title which was cancelled by the said tax enforcement proceedings, or issue a new certificate of title. In either event the certificate of title revived or issued shall be subject to all the mortgages, encumbrances, executions, liens or other charges of any kind whatsoever, to which the title cancelled was subject in order of their priority. In the event of a re-transfer as aforesaid it is further declared that the cancellation of a certificate of title by tax enforcement proceedings shall not affect the validity of any mortgage, encumbrance, execution, lien or other charge of any kind whatsoever, but that for all purposes, the rights of all parties against such land shall be completely restored to the state in which they existed at the time of the cancellation of the said certificate, and no time shall be deemed to have lapsed between the cancellation of the old certificate of title and its revival or the issue of a new one.

6. 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 to compel any purchaser 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.

7. 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, receipts, warrants, 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.

8. All agreements for sale, transfers, receipts, contracts, 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.

9. All sales of public lands made, all agreements for sale, transfers, powers of attorney, leases and agreements for leases, heretofore made by any Minister are hereby declared to be in full force, virtue and effect, and to be legal, valid and binding.

10. The Lieutenant Governor in Council may from time to time make rules and regulations with respect to the conditions of sale, selection and qualification of auctioneers, directions to the auctioneer, reserved bid or upset price, terms of payment, advertisement and conduct generally of a sale of public lands under the provisions of this Act and may make such other regulations and prescribe such other forms as may be deemed necessary for the proper carrying into effect of the provisions of this Act:

Provided always that it shall not be necessary for the auctioneer conducting the sale to obtain a license for the purposes of such sale under the provisions of *An Ordinance respecting Auctioneers, Hawkers and Pedlars*.

11. This Act shall not be deemed to be a repeal of section 15 of *The Public Works Act*, being chapter 10 of the Statutes of Alberta, 1906.

No. 56.

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FOURTH SESSION  
FOURTH LEGISLATURE  
11 GEORGE V  
1921

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Vested in the Crown in the Right of  
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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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HON. J. R. BOYLE.

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