

BILL

No. 7 of 1931.

An Act Respecting Provincial Lands

(Assented to , 1931)

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 Provincial Lands Act*"
2. In this Act, unless the context otherwise requires—
 - (a) "Agent" or "Officer" means any person or officer employed in connection with the administration, management, sale or settlement of Provincial lands; "Local agent" means the agent so employed with respect to the lands in a defined district; "Sub-agent" means any person so employed with respect to lands in a particular part, or division of such district, and "Provincial Lands Office" means the office in and for such district
 - (b) "Agreement of Transfer" means the agreement made the fourteenth day of December, 1929, between the Government of the Dominion of Canada, represented therein by the Honourable Ernest Lapointe, Minister of Justice, and the Honourable Charles Stewart, Minister of the Interior, of the First Part, and the Government of the Province of Alberta, represented therein by the Honourable John E. Brownlee, Premier of Alberta, and the Honourable George Hoadley, Minister of Agriculture, of the Second Part, on the subject of the transfer of the Natural Resources of Alberta
 - (c) "Certificate of Title" and "Certificate" means the certificate granted pursuant to *The Land Titles Act*.
 - (d) "Director of Lands" means the officer of the Department of Lands and Mines who bears that designation, or any officer appointed to perform the Director's duties for the time being
 - (e) "Disposition" means every instrument executed pursuant to the provisions of this Act whereby any estate, right or interest in any Provincial Lands is granted to any person or by which the Crown divests itself in the favour of any person of any estate, right or interest in any such land and without derogating from the generality of the foregoing

includes all letters patent, transfers, deeds, conveyances, notifications, assurances, leases, licenses, permits, contracts and agreements made, entered into or issued pursuant to this Act

- (f) "Department" means the Department of Lands and Mines.
- (g) "Dues" mean all ground rents, royalties, duties, fees, rates, charges, or other moneys payable by any person to the Crown in the right of the Province under and by virtue of any sale, lease, license, permit or privilege.
- (h) "Entrant" means a person who has obtained an entry for a homestead, or a second homestead
- (i) "Form" means a form in the schedule to this Act.
- (j) "Homestead" means the land entered for under the provisions of this Act, or of *The Dominion Lands Act*, or of any Act relating to Provincial lands for which a grant from the Crown may be secured through compliance with the conditions in that respect prescribed at the time the land was entered for, and shall extend to and include a second homestead.
- (k) "Lands" extends to and includes lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, whatever may be the estate or interest therein, and whether legal or equitable and, subject to the provisions of this Act, all paths, passages, waters or water courses, liberties, privileges, easements, mines and minerals (precious and base), and all trees and timbers thereon.
- (l) "Mines and minerals" means all mines and minerals (both precious and base) whatsoever and without derogating from the generality of the foregoing includes gold, platinum, silver, pitchblende and other minerals from which radium is or may be obtained, precious stones, copper, iron, tin, zinc, asbestos, salt, petroleum, oil, asphalt, tar sands, natural gas, coal, limestone, granite, slate, marble, sandstone, and any other stone which is or may be quarried for any industrial purpose, gypsum, clay, marl, gravel, sand and volcanic ash.
- (m) "Mining Records" shall mean the local agent of Provincial lands for a district, or such other officer appointed by the Government for the particular position referred to.
- (n) "Minister" means the Minister of Lands and Mines
- (o) "Notification" means the direction in Form E to the Registrar of Land Titles for the issue of a Certificate of Title

- (p) "Provincial lands" means and includes all real property of whatsoever nature or kind to which this Act applies.
- (q) "Registrar" means a Registrar of Land Titles within the meaning of *The Land Titles Act*.
- (r) "Timber" means trees standing, fallen, or cut, and round, fluted, squared timber or sawn products thereof.
- (s) "Timber agent" means the local agent of the Department of Lands and Mines appointed to collect dues on, and to perform such other duties as are assigned to him in respect to, the timber on Provincial lands.
- (t) "Township," "Section," "Half-section," "Quarter-section," and "Legal subdivision," respectively, mean a township, section, half-section, quarter-section, or legal subdivision, as the case may be, of Provincial lands, within the meaning of this Act, or of *The Provincial Lands Surveys Act*.

APPLICATION OF ACT

3. This Act applies to the lands vested in the Crown in the right of the Province by virtue of the agreement of transfer and such other lands as may be vested in the Crown in the right of the Province or any lands vested in the Minister of Municipal Affairs by reason of any statute for the recovery of taxes which shall from time to time be declared by the Lieutenant Governor in Council to be Provincial lands and subject to the provisions of this Act.

4. The Minister shall annually lay before the Legislative Assembly, within fifteen days after the first day of meeting thereof, a report of the proceedings, transactions and affairs of the Department of Lands and Mines during the fiscal year next preceding.

RESERVATIONS.

5. There shall be implied in every disposition of Provincial lands pursuant to this Act any and all reservations which are required to be made by this Act upon the disposition of any Provincial lands.

6. There is hereby reserved to the Crown out of every disposition of Provincial lands under this Act the property in and the right to and to use all water powers and lands upon or within which there is water power or required for the protection of any water power or for the purposes of any undertaking for the use and development thereof.

7. There is hereby reserved to the Crown out of every disposition of Provincial lands under this Act the property in and the right to and to use all the water at any time in

any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh, or other body of water, or contained or flowing therein, and also any exclusive or perpetual property, interest or privilege in the land forming the bed or shore thereof

8. Where Provincial lands bordering on a lake, river, stream, or any body of water shall be disposed of by the Crown, in the absence of an expressed provision in the disposition to the contrary, the bed of such lake, river, stream, or body of water shall not pass to the person otherwise acquiring such Provincial lands and the disposition shall be construed accordingly and not in accordance with the rules of the English Common Law

(2) Where lands within the Province of Alberta bordering on a lake, river, stream or any body of water have been heretofore granted by the Crown, it shall be presumed in the absence of an expressed provision in the grant to the contrary, that the bed of such lake, river, stream or body of water has not passed to the person acquiring such grant

(3) Subsection (2) shall not affect the rights, if any, of a grantee from the Crown or of any person claiming under him, where such rights have heretofore been determined by a Court of competent jurisdiction in accordance with the rules of the English Common Law, or of a grantee from the Crown, or any person claiming under him who establishes to the satisfaction of the Lieutenant Governor in Council that he or any person under whom he claims has, previous to the 23rd day of July, 1894, constructed or caused to be constructed any dam, water power or powers, or other works under the bona fide belief that he had the legal right to do so, provided that he may be required to develop the said power or powers to the fullest possible extent, and provided that the price charged for power derived from such water power or powers may from time to time be fixed by the Board of Public Utility Commissioners, and the Lieutenant Governor in Council may direct that a license granting such right be issued to such grantee or person claiming under him, under and subject to such conditions and provisions as may be deemed proper for insuring the full development of such water power or powers, and the regulations of the price to be charged for power derived from them

9.—(1) There is hereby reserved to the Crown out of every disposition of Provincial lands under this or any other Act of this Legislature the right to construct any colonization or other road, or any road in lieu of or partly deviating from an allowance for road, drain or drainage works without making compensation therefor, and wood, gravel and other materials required for the construction or improvement of any such road, drain or drainage works may be taken from

the said lands without compensation therefor or for the injury thereby done to the lands from which they are taken.

(2) The rights mentioned in the preceding subsection may be exercised by the Minister or by any person authorized by him to exercise them on behalf of the Crown, at any time prior to the issue of a notification.

10. There is hereby reserved to the Crown out of every disposition of Provincial lands under this Act all mines and minerals (precious and base), together with full power to work the same and for this purpose to enter upon, use and occupy the said lands or so much thereof and to such extent as may be necessary for the effectual working and extracting of the said minerals, and such mines and minerals together with the right to enter, locate, prospect and mine such minerals shall be disposed of only in such manner and on such terms and conditions as are hereinafter provided

11. There is hereby reserved to the Crown out of every disposition of Provincial lands under this Act all rights of fishery and fishing and occupation in connection therewith, upon, around and adjacent to the said lands.

12. The reservations contained in the preceding sections shall not affect the right of the Crown to dispose of minerals, under the provisions of this Act, in, upon and under the Lands forming the bed or shore of the said waters, or in aqueous solution of mineral salts occurring in a natural state, and containing more than one per cent of mineral salts in solution.

Provided that nothing herein contained shall affect the right of the Crown to issue licenses or permits for the use of water areas for fur-farming

13. No land shall be open for entry for a homestead or for sale until it has been surveyed in accordance with the provisions of *The Alberta Land Survey Act*, and no entry for any homestead shall be allowed unless and until public notice has been given by advertisement in at least three issues of a newspaper circulating in the vicinity in which such land is situate and then only within ninety days of the last issue of the newspaper containing such advertisement

DISPOSAL OF LANDS

14. Lands which are withdrawn from the operation of this Act shall not be open to entry or available for a homestead, but other surveyed lands which are suitable for agriculture and are unoccupied shall be open for entry:

Provided that no quarter-section of land containing more than 100,000 feet (board measure) of spruce, jackpine, or tamarack suitable for sawlogs, railway ties, telegraph poles or building timber shall be open to entry or available as a homestead

15.—(1) Every person who has resided in the Province for a period of not less than five years, and has attained the age of seventeen years, and who is a British subject or declares intention to become a British subject, and who makes application in the manner hereinafter provided, shall be entitled to obtain entry for a homestead for an area of available agricultural land, not exceeding one quarter-section.

Provided that the right of entry may be subject to regulations prescribed by the Lieutenant Governor in Council.

(2) The agent may, on application in Form F, reserve for one year an area of available land, not exceeding one quarter-section, for any person of the full age of sixteen years who lives on a homestead for which entry is held by, or on land of an area of not less than eighty acres which is owned and occupied as a farm by his father, mother, brother or sister, and is situated within a distance of not more than nine miles in a direct line, exclusive of the width of road allowances crossed in the measurement, from the land applied for, the said application shall be supported by an affidavit of the relative on whose land the applicant has his permanent residence, in Form G, and, in the event of the application being allowed, a certificate of reservation shall be issued in favour of the applicant by the agent in Form H.

Provided that—

- (a) the person for whom such reservation is made shall, within one month after his attaining the age of seventeen years, make personal application for entry for such land as a homestead;
- (b) if the period of reservation includes the month of June, July or August, the applicant shall break five acres of land during those months, and if he fails to comply with this requirement, the reservation may be withdrawn;
- (c) in the event of failure to apply for entry within the time specified in this section, the reservation shall cease and determine.

16.—(1) The occupation of land without entry as provided by this Act gives to the occupant no right thereto and the occupant may be ejected as a trespasser and any improvements made by him shall thereupon be forfeited to the Crown.

(2) No right or title of any kind shall be acquired by prescription in respect of any lands so long as the Crown has any right, title or interest therein.

Provided always that a person who had prior to the first day of November, 1930, bona fide settled and made improvements on agricultural land before the survey thereof and is in occupation of and ordinarily resident on the land at the time of survey shall, upon proving to the satisfaction of the Minister his eligibility under the provisions of the

Dominion Lands Act, being chapter 118 of the Revised Statutes of Canada, 1927, to make entry for a homestead, have a prior right to obtain entry for the land so settled on.

Provided that this right shall be exercised within six months after notice in writing that the land is open for entry has been given to the said person or has been posted in a conspicuous place on such land; and such entry shall not be allowed for more than a quarter-section as a homestead.

17.—(1) Application for entry for a homestead shall be made in Form A at the Lands Office of the district in which the land is situate, between the hours of nine in the forenoon and five in the afternoon, on every day excepting Sundays and statutory holidays, or between such hours as are, from time to time, fixed by the Lieutenant Governor in Council, and shall be supported by affidavit in Form B, and a fee shall be payable upon the application of such amount and in such manner as may be prescribed from time to time by the Lieutenant Governor in Council.

(2) When application is so made for land then open to homestead entry, the local agent, or officer acting for him, shall accept it upon payment of the fee or part of the fee payable pursuant to the Regulations, and shall give the receipt hereinafter provided for, and the acceptance by the local agent, or the officer acting for him, of the said application and of the fee shall constitute entry, and the receipt given to the applicant in Form C shall be a certificate of entry and shall entitle the respondent to take, occupy, use and cultivate the land entered for, and to hold possession thereof to the exclusion of any other person, and to bring and maintain actions for trespass committed on the said land; and the land shall not be liable to be taken in execution before the issue of the notification.

Provided that occupancy, use and possession of land entered for as a homestead, shall be subject to the provisions of this Act or of any other Act affecting it, or of any regulations made thereunder.

(3) Application may also be made in the same form to a sub-agent in a district in which the land is situate, who shall give an interim receipt in Form D, and shall forthwith forward the application and the fee to the local agent, but this application shall have no force or effect until it is accepted by the local agent, or the officer acting for him, and his acceptance thereof shall, as aforesaid, constitute entry, and his receipt in Form C shall be, as aforesaid, the certificate of entry and shall convey the same rights as if the application were made direct.

Provided that, at the request and expense of the applicant, the sub-agent shall by telegraph advise the local agent, or the officer acting for him, of the receipt of his application, and on receiving the advice the local agent, or the officer acting for him shall, if the applicant has provided for it

being done at his expense, acknowledge the advice by telegraph, and shall hold for the applicant the land applied for during a period of time sufficient to admit of the receiving of the application, and the application, if received within that period, shall be regarded as received at the time of the receipt of the advice by the local agent.

Provided that any application for a homestead entry received by a local agent from a sub-agent, either by letter or telegraphic advice, shall be treated by the local agent as if such application were made in person by the applicant at the office of the local agent.

Provided further that, if a sub-agent has received an application for homestead entry for a quarter-section he shall not accept another application for the same quarter-section from any other person until the first application has been dealt with by the local agent.

(4) Every application for entry shall be made by the applicant in person, unless otherwise provided by regulations made by the Lieutenant Governor in Council.

(5) A person applying for entry shall declare, before being granted entry, what improvements, if any, there are upon the land with respect to which his application is made, and shall pay the value of such improvements, subject to valuation of same by an officer of the Department.

Provided that—

- (a) if the improvements are found by an officer of the Department to be of less value than the amount paid by the entrant, the surplus paid shall be refunded to him; but if the improvements are found to be of greater value, the balance unpaid shall be paid by the entrant within a period of time satisfactory to the Minister,
- (b) should the declaration made by the entrant as aforesaid be found incorrect in material particulars, or should the entrant fail to pay the full amount due for improvements, his entry shall be liable to cancellation in the discretion of the Minister,
- (c) in any case where doubt arises as to the correctness of the valuation made by an officer of the Department under the provisions of this subsection, the Minister may order such further enquiry as he may deem advisable for the purpose of fixing the actual value of the improvements, and the actual value so ascertained shall be the amount to be collected and paid by the person obtaining the land in accordance with the provisions of this subsection.

(6) An entry for a homestead shall be for the sole use and benefit of the entrant, and neither directly nor indirectly for the use or benefit of any other person or persons whatsoever, and the violation of this provision shall render the entry liable to cancellation in the discretion of the Minister.

(7) The local agent or the officer acting for him shall furnish over his signature to any person who applies therefor and pays him a fee of fifty cents, an abstract from his records showing whether the quarter-section mentioned or referred to in an application is available for entry or not, if the land applied for is not available, the name of the entrant and the date on which he obtained entry shall be shown on the abstract, as well as, where the records show any transactions calling therefor, the date on which cancellation notice to the entrant in default is returnable, or the date on which the period of protection will expire, as the case may be.

(8) Except as otherwise provided in this Act, every person who has received or receives, or has become, or becomes entitled to obtain title for a homestead under the provisions of *The Dominion Lands Act*, or of this Act, by the performance of homestead duties, with or without payment of purchase money, or by the location of scrip thereon, shall be deemed to have exhausted his homestead right and shall not be entitled to obtain another entry for a free homestead.

Provided, however, that any person who on the first day of January, 1926, had obtained or had become entitled to a certificate of title for a homestead as aforesaid, may be granted the right to make entry for a second homestead, subject to the provisions of this Act.

The holder of a pre-emption or purchased homestead entry shall not be permitted to abandon the same in his own favour or in favour of a relative for the purpose of making entry for the land as a second homestead under the provisions of this subsection.

15. The Minister shall settle in such manner as he deems best all disputes which arise between persons claiming the right to entry for a homestead for the same land.

19.—(1) Every entrant for a homestead shall be allowed six months from its date within which to perfect the entry by taking in his own person, possession of the land and beginning residence thereon, and, if the entry is not so perfected within that period it shall be liable to cancellation.

Provided that, on satisfactory cause being shown for an entrant failing to perfect his entry within six months from the date thereof, the Minister may order that the entry shall be protected from cancellation for a further period of six months, but no entry which is not perfected within twelve months from the date thereof shall be protected from cancellation for any further period.

(2) The Minister may, if he deems it necessary, require the holder of a homestead entry to furnish proof, by declaration or otherwise, that he is duly performing his homestead duties in each year subsequent to the date of his entry.

(3) A homesteader may, by permission of the Minister, abandon his entry and obtain authority to make another

entry upon executing the prescribed declaration, and if no cancellation proceedings are pending, the homesteader may abandon his homestead in favour of a father, mother, son, daughter, brother or sister, if eligible, subject to the Minister's approval.

CANCELLATION OF ENTRY.

20.—(1) If an entry for homestead is granted through error, misrepresentation or fraud, the Minister may cancel the entry.

(2) If an entrant for a homestead fails in any year to fulfil the requirements of this Act in respect to homesteads, or the requirements of the laws in force in respect thereto when the entry was obtained, the Minister may cancel the entry and all rights of the entrant in virtue thereof shall thereupon cease and determine where improvements have been made on any parcel of Provincial lands, by a person whose entry for such parcel of land has been cancelled for any reason, the Minister may, in his discretion, pay to the person who made the improvements, or to any dependent or dependents of such person adjudged by the Minister to be entitled thereto, in whole or in part, the moneys collected on account of such land.

(3) If the Minister is satisfied that an entry for a homestead has been obtained through personation he shall cancel the entry, and the person so obtaining entry shall not be eligible to obtain another entry.

(4) In the case of an entry cancelled for misrepresentation or fraud, no compensation shall be made to the entrant on account of any improvements which he may have made on the said land.

(5) If, after entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply, or for the location or construction of any works necessary to the development of any water power, or for the purposes of any harbour or landing, the Minister may, at any time before the issue of a notification, cancel the entry or withdraw from its application any portion of the land entered for, but, where the land is required for the location or construction of works necessary to the development of any water power, only in so far as the land is necessary for that purpose.

(6) Any entry cancelled under the last preceding subsection shall entitle the entrant to compensation for any improvements made by him upon such land.

(7) In the event of the failure of the entrant to agree to accept the amount allowed by the Minister as compensation under the last preceding subsection, the amount shall be fixed by arbitration.

(8) Every one is guilty of an offence and liable upon summary conviction before two justices of the peace to imprisonment with or without hard labour for a term not exceeding one year who buys, trades or sells, or professes to buy, trade or sell land, or any interest in or control of land, open to homestead entry, or for which homestead entry has been granted, before title therefor has been issued.

ACQUISITION OF TITLE TO HOMESTEAD

21. Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, as a condition precedent to his obtaining title therefor in respect thereof—

- (a) to have held the homestead for his own exclusive use and benefit for five years,
- (b) to have resided thereon at least four months in each of five years,
- (c) to have erected a habitable house thereon;
- (d) to have cultivated such an area of land in each year upon the land as is satisfactory to the Minister, and
- (e) to be a British subject;
- (f) to have paid any fee payable pursuant to the regulations upon granting title.

22. The period fixed by this Act for the performance of the residence and other requirements prescribed for leading to the granting of title for a homestead may be computed as follows:

- (a) From date of entry
- (b) From date of commencement of residence,
- (c) Four months' residence in each of five calendar years,
- (d) Four months' residence in each of five years, either homestead or calendar years.

(2) The date of commencement of the various terms of residence may be changed from year to year as may appear most to the advantage of the settler in dealing with his application for title.

Provided that where an entry for a homestead is cancelled and re-entry is granted to the homesteader's wife, such homestead may be deemed to have been held by the wife of the entrant as aforesaid for her sole use and benefit during any period throughout which such homestead was held by her husband for his sole use and benefit.

Provided also that in other cases where there is a doubt as to whether a homestead was held by the entrant for his sole use and benefit during any period, the Minister shall decide as to whether the homestead was so held by the entrant during any such period.

23. Permanent residence by an entrant upon a farm of an area of at least eighty acres, situate within a distance

of nine miles from his homestead, in a direct line, exclusive of the width of road allowances crossed in the measurement, and owned solely and occupied by him, or permanent residence on a farm of that area and so situate, owned solely and occupied by his father, mother, husband, wife, son, daughter, brother or sister, and, in the event of the death of such owner or occupant, continued permanent residence on such farm, shall be accepted as residence upon the homestead.

24. In the event of the death of an entrant for a homestead before the completion of the requirements which are conditions precedent to his obtaining title, his legal representative shall only be required to fulfil the conditions set forth in section 21 of this Act as to cultivation and the payment of the fee in order to entitle him to obtain title, after the expiration of five years from the date of the entry for the homestead, or the legal representative may assign the homestead, and the assignee shall, after—

- (a) the expiration of five years from the date of entry for the homestead;
- (b) holding the homestead for his own exclusive use and benefit from the date of the assignment, and
- (c) completing the residence and cultivation requirements, and payment of the fee as set forth in section 21 of this Act, in the same manner as the person who made the entry would have been required to complete them thereunder—

be entitled to receive title for the homestead.

25.—(1) In the event of any person who obtained entry for a homestead becoming insane or mentally incapable and, by reason of such insanity or mental incapacity, unable to complete the requirements which are conditions precedent to obtaining title, the guardian or committee of the said person, or any person who, in the event of his death, would be entitled as his legal representative to do so, shall only be required to fulfil the conditions set forth in section 21 of this Act as to cultivation and payment of fees before obtaining title.

Provided that title shall not be given until the expiration of five years from the date of entry.

(2) If it is shown to the satisfaction of the Lieutenant Governor in Council that an entrant has become, through physical disability, unable to comply with the residence requirements under this Act, such residence requirements may be dispensed with by order of the Lieutenant Governor in Council.

26. After entry for a homestead has been perfected by the entrant taking in his own person possession of the land and beginning residence thereon, the Minister may, in case

of calamity or of illness, vouched for by satisfactory evidence, or in other special cases, grant an extension of time during which the settler may be absent from his homestead, without prejudice to his right therein, but the time so granted shall not be counted as residence.

27. Notwithstanding anything in this Act, the time during which an entrant is absent from his homestead while he is a member of a military force enrolled under the authority of the Minister of National Defence and engaged as a member of that force in the suppression of an outbreak or insurrection in any part of the British Empire, or in the defense of the British Empire against a foreign power, or as a member of a company or contingent of Canadian volunteers enrolled under the authority of the Minister of National Defence for active service, or a member of any military or naval force of His Majesty, and also a period not exceeding three months after his discharge as a member of the said force, company or contingent, to permit him to resume his residence upon his homestead, may be counted as residence within the meaning of this Act.

28. If it is established to the satisfaction of the Minister that an entrant, while on active service as a member of any such force, company, or contingent, is so disabled by wounds, received in battle, or because of illness resulting therefrom or from any other cause, after his enrolment as a member of such force, company or contingent, and up to the date of his discharge therefrom, that it is not possible for him, because of such wounds, illness or other cause, to resume occupation of his homestead, to complete the conditions of his entry therefor, the Minister may forthwith cause title to be given for such land in his name, or in the event of his death before title is given for such land, in the name of the deceased in accordance with the provisions of section 82 of this Act.

Provided that where one of the conditions prescribed by this Act for the giving of title for such land is a payment of purchase price and interest, the payment of such purchase price and interest, if any, must be made in full before title is given under the provisions of this section.

29.—(1) The entrant for a homestead, or, in the event of his death, his legal representative or his assignee, or, in the event of his becoming insane or mentally incapable, his guardian or committee or any person who, in the event of his death, would be his legal representative, may, after the expiration of the period fixed by this Act for the completion of the requirements for the giving of title for a homestead, make application therefor; and upon proving to the satisfaction of the local agent, or the officer acting for him, that the said requirements have been fulfilled, if the proof is accepted by the Director of Lands, the entrant, or,

in the event of his death, his legal representative or his assignee, shall be entitled to receive title.

(2) Proof under this section shall be in the form of a sworn statement by the applicant, corroborated by the sworn statements of two disinterested parties resident in the vicinity, which statements shall be made before the local agent, or the officer acting for him, or such other person as is thereto authorized by the Minister:

Provided that, on any application for title by the legal representative of the entrant, or by his assignee, or by the guardian or committee of an entrant who has become insane or mentally incapable, or by a person who in the event of such an insane entrant's death would be his legal representative, the Minister may receive proof of the facts in such manner as he sees fit to require, and, upon being satisfied that the claim has been proved, may allow the claim and cause title to be given accordingly.

(3) Title in respect of a homestead shall not be given to any person who is not a subject of His Majesty by birth or naturalization.

Provided that, on completion of the requirements for title for a homestead in accordance with the provisions of this Act, or, where the completion of such requirements has been dispensed with in accordance with the provisions of this Act, title may be given to—

- (a) an alien legal representative of any deceased entrant whether such entrant was a British subject or not;
- (b) an alien entrant who has become insane or mentally incapable,
- (c) an alien female entrant who has been granted entry for a homestead under section 16 of this Act, and who is prevented by the provisions of *The Naturalization Act* from becoming a British subject.

30. Failure on the part of an entrant for a homestead to apply for title in respect thereof within a period of seven years from the date of entry shall render his right to his homestead liable to forfeiture on the order of the Minister.

RIGHT TO ACQUIRE TITLE EARNED BY OWNERSHIP OF LIVE STOCK

31.—(1) Notwithstanding anything to the contrary in this Act, the person holding entry for a homestead shall be entitled to receive title therefor on furnishing evidence that he has fulfilled the other conditions attached to his entry and proving to the satisfaction of the Minister that, in lieu of cultivation he has complied with the requirements with respect to stock as hereunder provided.

- (a) In the case of a homestead, the entrant shall show that he has had upon such land stock solely owned by him, during the first year of performance of

duties to the number of five head, during the second year to the number of ten head, and during the third year and in each of the subsequent years to the date of his application for title to the number of sixteen head.

(b) In the case of a quarter-section having a smaller area than one hundred and sixty acres, the number of stock required to be owned and kept thereon may be proportionately reduced.

(2) The term "stock" in this section includes "cattle" as that term is defined in the next succeeding subsection, and also sheep and hogs, but where the latter are kept instead of cattle ten sheep or ten hogs, or ten sheep and hogs, must be kept or be counted as only equivalent to but one head of cattle.

(3) The term "cattle" in this section means cows or bulls, or cows and bulls and their young, and horses, male or female, or male and female and their young.

(4) All stock shall be kept on the homestead, either for summer grazing or for winter feeding.

(5) Substantial buildings for the accommodation of the whole number of stock to be kept in any year, as hereinbefore provided, shall be erected and maintained to the satisfaction of the Minister during the whole period such stock is to be kept, and solely owned by the settler as hereinbefore specified, and such buildings shall be erected upon the homestead, or upon any land upon which the settler is entitled to reside under the provisions in that behalf contained in this Act.

(6) The whole quarter-section of land entered for shall be enclosed by a substantial fence to the satisfaction of the Minister.

CHARGES AGAINST HOMESTEADS

32. Except in so far as provision is hereinafter made respecting advances of seed grain or relief, or any indebtedness to the Crown, no charge of any nature may be created upon a homestead.

33. In any case in which any settler or purchaser is entitled to receive title for any land to which this Act applies, but the granting of title is delayed because of a liability of the settler or purchaser, either as principal or surety upon a bond to the Crown or the Minister, or as a mortgagor on a mortgage in favour of the Crown or of the Minister, for a sum due or payable in respect of an advance of seed grain, or because of any other indebtedness to the Crown, the Minister, in his discretion, may cause a notification with a memorandum of the liability or indebtedness to be sent to the Registrar. The Registrar shall endorse on the Certificate of Title memoranda setting forth therein the

particulars of the liability or indebtedness, including the total amount thereof, the rate of interest and the names of the persons liable or indebted therefor. The said liability shall be and remain a charge upon the land until satisfied and extinguished according to law.

ASSIGNMENT OF HOMESTEADS

34. Every assignment or transfer of a homestead or any part thereof, and every agreement to assign or transfer a homestead or any part thereof, made or entered into before the issue of a notification shall be null and void, and the person so assigning or transferring, or making an agreement to assign or transfer, shall forfeit his homestead.

Provided that the provisions of this section shall not be applicable to any assignment or transfer of a homestead, or any part thereof, or to any agreement for such assignment or transfer, or to any abandonment of a homestead for such purposes declared by the Minister to be in the public interest.

SALE OF LANDS.

35.—(1) Provincial lands shall only be open to purchase under regulations made by the Lieutenant Governor in Council, and there shall be no sale to one person, under such regulations, of an area of land in excess of one section, without the approval of the Lieutenant Governor in Council.

(2) No Provincial lands shall be sold or disposed of by way of sale except by public auction at an upset price per acre, and public notice shall be given by advertisement in at least three issues of a newspaper circulating in the vicinity in which any such land is situate and such sale shall be held not earlier than the tenth day nor later than the thirtieth day following the date of the last issue of the newspaper containing such advertisement.

Provided always that the Minister may, within sixty days after the holding of any sale by auction, sell by private contract, at a price not less than the upset price, any land which was offered for sale thereat and which did not find a purchaser, subject to such terms and conditions as may be prescribed by regulation.

(3) Provided, however, that the Minister may sell a fractional quarter-section, with or without homestead conditions, at a rate to be determined as the true value of the land after inspection by an officer of the Department.

(4) Provided also, that in case an entrant for a homestead who has faithfully and to the best of his ability endeavoured to perform the duties required of him, but who from some unpreventable cause or physical incapacity, has failed to complete those duties, or through some technicality is held to have failed in fulfilling the requirements of the Act, but yet has an equitable claim, entitling him in the opinion of the Minister to favourable consideration, the Minister may sell the homestead to such entrant at a price not less than one dollar an acre, to be fixed by the Minister.

GRAZING, HAY AND MARSH LANDS.

36. Lands suitable for grazing, but not adapted for agriculture, hay and marsh lands, may be leased under regulations made by the Lieutenant Governor in Council.

Provided that no lease of hay or marsh lands shall be issued or granted unless and until notice has been given by advertisement in at least three issues of a newspaper circulating in the vicinity, specifying the lands in respect of which any such lease may be granted and the terms and conditions upon which any such lease will be granted.

IRRIGATION

37. Lands unsuitable for cultivation without the aid of irrigation or drainage, or lands required in connection with any system of irrigation or drainage, may be sold or leased in such manner and under such terms and conditions as are fixed by the Lieutenant Governor in Council.

LANDS FOR OTHER PURPOSES

38. Lands to be used for the purpose of a harbour, landing, bridge site or railway terminus or station, or for a town-site, or for an airport, or for other purposes, shall only be disposed of on such terms and subject to such conditions as may be prescribed by the Lieutenant Governor in Council.

MINERAL LANDS.

39. Lands containing any minerals, together with the right to win, work and get the same, may be leased in such manner as may be prescribed by regulations made by the Lieutenant Governor in Council, and the regulations may provide for the leasing of mining rights underneath lands acquired or held as agricultural, grazing, or hay lands, or any other lands held as to the surface only, but provision shall be made for the protection and compensation of the holders of the surface rights, in so far as they may be affected under the regulations.

QUARRIABLE STONE.

40. Land containing quarriable stone may be leased under regulations made by the Lieutenant Governor in Council.

SCHOOL LANDS

41 — (1) Sections eleven and twenty-nine in every surveyed township in Alberta, together with the gold and silver as well as other minerals contained therein, are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn

from the operation of the provisions of this Act, which relate to entry for homestead, or sale; and no right to obtain entry for homestead or to purchase shall be recognized in connection with the said sections, or any part of them, and no right or title of any kind shall be acquired by prescription in respect of any lands so set apart so long as the Crown has any right, title or interest therein.

Notwithstanding anything in this Act the Lieutenant Governor in Council may authorize the Minister to include in any block of land sold or to be sold to any person for the purpose of irrigation, or in any lands which may be set aside for the purpose of an Indian, or other public reserve, or may be reserved for any other purpose which the Minister considers to be in the public interest, lands which under the provisions of this Act are school lands, but no such block of lands so sold or to be sold for the purpose of irrigation, or lands set aside and reserved or to be set aside and reserved for any of the purposes aforesaid, shall include school lands, until other Provincial lands of equal value, as nearly as may be, have been selected in lieu thereof; and when other Provincial lands have been so selected and have been designated by the Minister as "school lands" they shall thereafter be and become school lands and be dealt with in the same manner as ordinary school lands under the provisions of this Act.

Provided that if it be established to the satisfaction of the Minister by request, in writing over the signature of the Minister or Deputy Minister of Education, that it is desirable to take or reserve out of any school lands a small portion thereof as a site for a school and for purposes properly connected therewith, the Minister may, forthwith, sell to the board of school trustees for the district for which the same is required, at a price of ten dollars per acre, such portion of school lands, in no case to exceed an area of four acres, which must front on a road allowance and may forthwith, upon payment of such price, cause a notification to be issued for the portion of school lands so required as a site for a school and for purposes properly connected therewith.

Provided that notwithstanding anything contained in this Act where a lease has been granted for mining rights on or under school lands, and in the opinion of the Minister the proper carrying on of mining operations will destroy the surface of the land for agricultural purposes, the Minister may sell the surface rights of the said land to the lessee of the said mining rights at a price to be fixed as the actual market value of the land at the time of such sale, irrespective of its mining value. The sum realized from such sale shall become part of the School Fund, as provided by section 44 of this Act.

42. All sales of school lands shall be by public auction, and an upset price shall be fixed, from time to time, by the Lieutenant Governor in Council; but in no case shall such

lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which they are situate

Notwithstanding anything in this section, or elsewhere in this Act, school lands may be leased for any purpose whatsoever, to any person, municipality or other corporation, under and subject to terms and conditions to be provided by regulations made by the Lieutenant Governor in Council

Notwithstanding anything in this section, or elsewhere in this Act, when for any reason a part or a fraction only of a quarter-section of school lands has been disposed of to any person, upon any portion of the balance of said quarter-section becoming available for disposition, the Minister may sell such portion to the registered owner of the part of such quarter-section already disposed of upon terms satisfactory to the Minister, and at a price per acre to be fixed by the Minister as the actual market value of the land

Notwithstanding anything to the contrary in this Act, the Minister may sell school lands required for reservoir, church, cemetery or hospital sites, or for other public purposes, or as right of way for any project, at a price to be fixed as the actual market value of the land, and upon such terms of payment as the Minister may prescribe

43. In respect of sales of school lands the amount to be paid in cash at the time of sale shall be at least one-tenth of the purchase price and the balance of such purchase shall be paid in eighteen equal, successive, annual instalments, with interest at the rate of six per cent per annum, which interest shall be paid with each instalment on the balance thereof from time to time remaining unpaid

Provided that, if the Minister considers that it will further the purposes for which school lands have been set apart under the provisions of this Act, he may dispose of any section or part of a section of school lands in legal subdivisions or in small subdivisions, or in town lots, into which he is hereby empowered to have any section or part of a section of school lands laid out, surveyed and shown on plan of survey, but he shall require that at least one-fifth of the purchase price thereof shall be paid in cash at the time of sale, and the balance in four equal consecutive annual instalments, with interest at the rate herein fixed and payable as herein specified:

Provided that all instalments or any portion of any instalment in arrear, whether of principal or interest, shall bear interest at the rate of seven per cent per annum.

44. All moneys from time to time realized from the sale of school lands shall be invested in any manner in which the same may be lawfully invested in conformity with clause 7 of the Agreement of Transfer to form a School Fund, and the interest arising therefrom, after deducting the cost of

management, shall be paid annually into the General Revenue Fund of the Province towards the support of schools organized and carried on in accordance with the law of the Province; and the moneys so paid shall be distributed for that purpose by the Government in such manner as it deems expedient.

RIGHTS UNDER AGREEMENT OF SALE OR UNDER LEASE

45. A receipt for a payment on account of the sale or lease of land shall, unless the sale or lease has been forfeited, revoked or cancelled, entitle the person to whom it was issued and any person lawfully claiming by, through or under him, to take, occupy and use the land described in the receipt and to hold possession thereof to the exclusion of any other person, and to bring and maintain actions for trespass committed on the said land, and the land shall not be liable to be taken in execution before the issue of a notification therefor.

Provided that occupancy, use and possession of such land shall be subject to the conditions of the sale or lease, and to the provisions of this Act or of any other Act affecting it or of any regulation made thereunder.

DISPOSAL OF TIMBER

46. The Lieutenant Governor in Council may make regulations for the disposal by public competition of the right to cut timber on berths to be defined in the public notice of such competition.

Provided that—

- (a) no berth shall exceed an area of twenty-five square miles, excepting a pulpwood berth granted for the cutting thereon of pulpwood, which pulpwood berth shall be of such area as may be determined by the Lieutenant Governor in Council;
- (b) no berth shall be awarded except to the person who offers the highest bonus or bid therefor; and
- (c) no offer by tender shall be accepted unless accompanied by the full amount of the bonus,
- (d) no berth shall be offered for sale unless and until notice has been given by advertisement in at least three issues of a newspaper circulating in the vicinity and in one newspaper in the City of Edmonton.

47. The person to whom a timber berth is awarded under the last preceding section shall be granted a license therefor, which license shall describe the land upon which the timber may be cut, the kind of timber to be cut, and the dimension thereof, and shall, during its continuance, vest in the licensee, subject to the conditions mentioned in the license, all rights of property whatsoever in all trees, timber, lumber or other products of timber which he is entitled by the

license to cut, and which have been cut within the limits of the berth during the continuance thereof, whether such trees, timber, lumber or other products are cut by consent of the licensee or by any other person without his consent, and shall vest in the licensee, as against any person other than the Crown in the right of the Province, subject to the conditions mentioned in the license, all right of property whatsoever in all trees, timber, lumber and other products of timber cut within the limits of the berth by any other person without his consent; and such license shall entitle the licensee to replevy, as his property, timber of any kind cut within the limits of the berth where it is found in the possession of any unauthorized person, and also to bring any action or suit for damages or any other appropriate remedy against any person who is unlawfully in possession of such timber, or who has unlawfully cut any timber of any kind in derogation of any rights of the licensee under his license, or who has entered without authority upon the berth covered by the license, if any; and any such proceedings which have been commenced and are pending at the expiration of any such license may be continued and completed as if the license had not expired.

18.—(1) The license shall be for a term not exceeding one year, but shall be renewable from year to year while there is on the berth timber of the kind and dimension described in the license, in sufficient quantity to make it commercially valuable, such renewal being subject to the payment of such dues and to such terms and conditions as are fixed by the regulations in force at the time the renewal is made.

(2) The Minister shall be the judge as to whether the terms and conditions of the license and the provisions of this Act and of the regulations made hereunder respecting timber berths have been fulfilled.

19. The license shall, in addition to such other provisions as are contained in the regulations or in the conditions under which the berth was disposed of, contain provisions binding the licensee—

- (a) to erect and have in operation in connection with the berth, within one year from the date upon which he is ordered so to do by the Minister, a saw mill or saw mills capable of cutting in twenty-four hours one thousand feet board measure for every two and a half square miles of the berth, and to keep such mill or mills in operation for at least six months in each year of the continuance of his license.

Provided that the grantee of a pulpwood berth shall erect a mill or mills of such capacity and character, and at such point or points, and at such time or times as the Minister may decide,

- (b) to pay in advance, in addition to the bonus or bid, such annual ground rent as is fixed by the regula-

tions, and, in addition thereto, to pay in cash, at each time of making the returns prescribed in paragraph (d) of this section, such dues as are fixed by the regulations.

- (c) to keep correct books of account of his business, and to submit them for the inspection of any authorized agent of the Minister whenever required;
- (d) to make to the timber agent of the district, monthly, or at such other intervals of time as they are required of him by regulations made under this Act or by the Minister, returns sworn to by him or by his agent or employee cognizant of the facts, with all the details of his timber operations, in such form and manner as the regulations provide.
- (e) to prevent any unnecessary waste of timber in the process of cutting it, and to prevent all avoidable destruction of growing trees which have not yet attained the dimensions described in the license,
- (f) to exercise strict and constant supervision to prevent the origin and spread of fire, and to comply during the term of the license and of any renewal thereof, with all regulations made in that respect by the Lieutenant Governor in Council, and with all laws or regulations in that respect in force in the Province.

50. If, in consequence of any incorrectness in survey or other error or cause whatsoever, a license is found to cover land covered by another license of prior date, or any land sold, granted, leased, or lawfully set apart for any other purpose under the Act, the later license shall be void in so far as it interferes with any such previous lease, license, sale, grant or setting apart.

51.—(1) Every license of a timber berth shall be subject to the provisions of this Act, or of any other Act, or of any regulations made hereunder, dealing with or affecting the disposal of quarzitic stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron, or other minerals within or under lands within the boundaries of such berth, and in and by virtue of any grant, lease or permit issued under regulations made as aforesaid, the grantee, lessee or permittee shall have the right to secure, use and hold possession of such land as is described in the grant, lease or permit for quarrying stone, for the boring and operating of any salt, oil, or natural gas wells, or for the working of any mines, and the right to open any roads necessary in connection with such works:

Provided that the licensee of the berth shall be paid by the grantee, lessee or permittee the value of all timber cut, damaged or destroyed in making such roads, or in boring or operating any salt, oil or gas wells, or in working any quarries or mines, or as a consequence, directly or indirectly, of any such operation or work.

(2) Every license of a timber berth shall be subject to the right of the Minister to permit prospecting on the berth for quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron, or other minerals, but the licensee shall be notified of every such permission, and shall be entitled to compensation from the prospector for any timber cut, damaged or destroyed by the prospector, or as a consequence of his prospecting of the berth, and the determination of such compensation shall be in a manner to be prescribed by the Minister.

(3) The provisions of this section shall apply to all timber berths on Provincial lands, whether granted before or after the passing of this Act.

PERMIT BERTHS

52. The Lieutenant Governor in Council may make regulations for the disposal by tender of permits to cut—

- (a) timber covering isolated tracts of land not to exceed an area of 640 acres;
- (b) timber on tracts of land, not exceeding nine square miles in area, which have been run over by fire and where not less than fifty per cent of the timber has been fire-killed or will die as a direct result of said fire;
- (c) damaged, fallen or dead timber;
- (d) no offers by tender shall be accepted unless presented in person at time of sale, and accompanied by the full amount of the bonus;
- (e) no permit berths shall be awarded except to the person offering the highest bonus therefor;
- (f) no permit berth shall be offered for disposal by tender unless and until notice has been given by advertisement in at least three issues of a newspaper circulating in the vicinity.

The tenure of the berth shall be one year, but provided operations are conducted in a manner satisfactory to the officers of the Department and payments are being met satisfactorily, renewal yearly permits may be granted for a second, third, fourth and fifth year, but no further permit shall be granted.

The berth shall be subject to annual rental and fire-guarding charges similar to licensed berths, whether or not it is operated.

The committee shall furnish returns of operations similar to those required in connection with licensed berths.

WITHDRAWALS

53.—(1) When any portion of a berth has not a sufficient quantity of the kind and dimensions of timber specified in the license or permit for such berth to make it profitable

to remove the timber upon such portion of the berth, and when such portion of the berth is not necessary for the proper working of the remainder of the berth, the Minister may withdraw such portion in whole or in part from the berth, but in no case shall such withdrawal be made until the expiration of sixty days after a notice in writing of the proposed withdrawal has been given to the lessee or to his legal representative by the Minister or by some one thereto authorized by the Minister.

(2) Upon the withdrawal of any portion of a berth, the rental to be paid under the license or permit shall be reduced in proportion to the area withdrawn.

PERMITS TO CUT TIMBER

54. The Lieutenant Governor in Council may make regulations for the issue of permits to cut timber—

- (a) to actual settlers, for use for building purposes on their farms or for fuel for themselves;
- (b) to persons engaged in explorations, in scientific pursuits or in prospecting;
- (c) to steamboat owners, for use on their steamboats;
- (d) for the construction of boats,
- (e) in connection with quarrying or mining, or salt, oil or gas boring operations,
- (f) for the construction and maintenance of railways, bridges, churches, schools and public buildings, or any public works;
- (g) for sale as cordwood, or box wood, or lath bolts or shingle bolts;
- (h) for pulpwood.

FORFEITURE AND RECOVERY OF DUES

55.—(1) Every license or permit shall be liable to forfeiture on the order of the Minister, for violation of any one of the conditions to which it is subject or for any fraudulent return.

(2) Before making an order for forfeiture the Minister shall cause written notice to be given to the licensee or permittee that it is the intention so to do, upon the ground set forth in such notice, unless within sixty days after service of such notice the licensee or permittee shows cause to the contrary as hereinafter provided.

(3) Service of such notice may be effected by mailing the same, duly registered, to the address or the last known address of the licensee or permittee, and in such case shall be deemed to have been made upon the day on which the notice reached the said address or in due course of mail should have done so.

(4) The licensee or permittee may within the said period of sixty days apply to a judge of the Supreme Court of Alberta for an order declaring that there is no ground or cause for the forfeiture of his license or permit, as the case may be, and every such application shall be subject to and governed by the Rules of Court applicable to proceedings by way of originating notice.

(5) There shall be a right of appeal from any order made upon any such application to the Appellate Division of the Supreme Court of Alberta.

(6) Pending the final disposition of the application, the Minister shall not exercise the power of forfeiture.

56. All dues on timber cut within any timber berth or under any permit, which are not paid when they become due, shall bear interest at the rate of seven per cent per annum until paid, and shall be a lien on any timber cut within the berth or under the permit, and in case of non-payment, whether, in consequence thereof, the license of the berth or permit has or has not been cancelled, the timber agent or other person authorized thereto may, with the sanction of the Minister, seize so much of the timber cut on the berth, or under permit, or in the possession of the licensee or permittee, as will, in his opinion, be sufficient to secure the payment of the dues, the interest thereon, the expenses of seizure and sale, and expenses incidental to the protection of the timber, and may detain the timber as security for payment; and if payment is not made within one month after the seizure, he may, with the sanction of the Minister, sell the timber by public auction, and after deducting the sum due, the interest thereon and the expenses aforesaid, he shall pay over the balance, if any, to the licensee or permittee, if the timber was in his possession at the time of seizure, or if it was not, to the person who had possession thereof at that time.

Provided that, if a bid is not made at the auction, amounting to the sum equal to the claim against the licensee, the timber may be disposed of at private sale.

57. All timber cut under license or permit shall be liable for the payment of the dues thereon, whenever and wherever the said timber, or any part of it, is found, whether it is or is not converted into deals, boards, or any other manufacture of wood; and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain it wherever it is found, until the dues thereon are paid or secured, as provided in the last preceding section.

58. If the payment of the dues on any timber has been evaded by any licensee or permittee or other person, by the removal of the timber or the products thereof out of the Province, or otherwise, the amount of dues so evaded, and

any expenses incurred in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on any timber berth by the licensee or cut under permit by the permittee or by authority of the licensee or permittee, and may be levied and collected or secured on such timber, together with such last-mentioned dues, in the manner heretofore provided, and the Crown shall have a lien for the amount of any dues or tax imposed, or payable, under this Act and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon all saw mills or other factories and lands appurtenant thereto, railway and stationary engines, and upon all engines, logging plant or material, and upon all railway lines belonging to the person by whom the dues, or taxes, are payable, such lien to constitute a first charge in priority to all other liens and to all encumbrances or charges created by any contract or arising under any Statute or otherwise howsoever, and to confer the same rights and to be enforceable in the same manner as the lien and rights of recovery of dues conferred by the provisions in that behalf of this Act, including an absolute, unconditional power to sell, or the amount due of which payment has been evaded may be recovered by action or suit, in the name of the Minister or his agent, in any Court of competent jurisdiction.

50.—(1) Mill owners doing custom sawing for settlers shall obtain a permit from the timber agent for the district wherein they intend to operate before commencing to manufacture each season, and shall notify him of the location of their mills and of each setting to which they move during their season's operations.

(2) Records of all sawing shall be retained in the books provided for the purpose by the Department, and their operations shall be subject to regulations made by the Lieutenant Governor in Council.

60. Every purchaser of timber cut on Provincial lands shall be held liable for the payment of dues thereon, and the onus shall be upon such purchaser to prove that such timber is not liable in whole or in part to dues of any kind, and if such proof is not made to the satisfaction of the timber agent or officer, he may seize and detain such timber, or an equivalent quantity of any other timber in the possession of the purchaser, and the timber may be dealt with as timber cut without authority, or on which the dues have not been paid, according to the circumstances of the case, and the dues thereon may be recovered as hereinafter provided by sections 61 to 67 of this Act.

LIABILITY OF PERSONS CUTTING TIMBER WITHOUT AUTHORITY

61. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber on Provincial lands, or removes or carries away,

or employs or induces or assists any other person to remove or carry away any timber so cut, he shall not acquire any right to such timber or any claim for remuneration for cutting it, preparing it for market, or conveying it to or towards market; and when the timber has been removed out of the reach of the timber officers, or it is otherwise found impossible to seize it, the said person shall incur a penalty not exceeding three dollars for each tree which, or any part of which, he is proved to have cut or removed or carried away, or assisted to cut or remove or carry away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty; and in all cases the burden of proof of authority to do the thing charged shall lie on the person charged, and the averment of the person seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

62. Whenever any timber agent or 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 timber has been cut without authority on Provincial lands, or if any timber officer or agent from other sources of information or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized the timber so reported or known to be cut, wherever it is found, and place it under proper custody until the matter is decided by competent authority.

63. If the timber reported or known to have been cut without authority has been made up with other timber into a crib, dam or raft, or in any other manner has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority from the other timber, the whole shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, unless the holder separates, to the satisfaction of the timber agent, the timber cut without authority from the other.

64. Whenever any timber agent or other officer or agent is in doubt as to whether any timber has or has not been cut without authority, or is or is not liable to dues on the whole or any part thereof, he may inquire of the persons in possession or in charge of such timber, as to when and where it was cut, and if no satisfactory explanation, on oath or otherwise, as he requires, is given to him, he may seize and detain such timber until proof

is made to the satisfaction of the Minister, or of such timber agent or officer, that such timber was not cut without authority, and is not liable, either in whole or in part, to dues of any kind; and if such proof is not made within thirty days after the seizure, the timber may be dealt with as timber cut without authority, or on which the dues have not been paid, according to the circumstances of the case, and the dues thereon may be recovered as heretofore provided.

65.—(1) All timber seized under this Act shall be deemed to be forfeited to the Crown unless the owner thereof, or the person from whom it was seized, within thirty days from the day of the seizure, gives notice to the seizing officer or to the timber agent or officer under whose authority the seizure was made, that he intends to contest the seizure, and if, within fifteen days thereafter, the claimant has not instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court be against him, or if the claimant fails to duly prosecute such proceedings in the opinion of the judge before whom such case is tried, who may for that cause dismiss the suit on the expiration of one month from the date on which it was instituted, then and in every such event the timber shall be deemed to be confiscated and may, after thirty days' notice posted up at the place where it is situated, be sold by public auction, by order of the Minister.

(2) The Minister may, if he sees cause for so doing, instead of proceeding to the forfeiture of timber cut without authority on Provincial lands, impose a penalty which, in addition to all costs incurred, shall be levied on such timber; and, in default of payment of the whole on demand, he may, after a notice of fifteen days, sell the timber by public auction, and may, in his discretion, retain the whole proceeds of the sale, or the amount of the penalty and costs only.

(3) In the event of there being no bid for timber put up at public auction under this section the Minister may dispose thereof by private sale.

66. Whenever any timber is seized for non-payment of dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under this Act, and any question arises as to whether the dues have been paid on the timber, or as to whether the timber was cut on other than Provincial lands, the burden of proving payment, or of proving on what land the timber was cut, shall lie on the owner or claimant of the timber.

67. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized.

SLIDES AND STREAMS AND LAKE FRONTS

68. No sale, grant or lease of or entry for any Provincial land shall give or convey any right or title to any slide or other similar work previously constructed for the purpose of facilitating the descent of lumber or saw-logs, unless it is expressly set forth in the instrument establishing the sale, grant, lease or entry that the slide or other work is included in the sale, grant, lease or entry.

69. The unimpeded use of slides, and other works to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using them and keeping them in repair, shall not, in any way, be interrupted or obstructed by or in virtue of any sale, grant or lease of or entry for Provincial lands made subsequently to the construction of the said works.

70.—(1) The use for the floating of saw-logs or other timber, of all streams and lakes necessary for the descent thereof from Provincial lands shall be subject to the provisions of *The Water Resources Act*.

(2) The right of access to such streams and lakes, and of passing and repassing on or beside the land on either side and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads as, owing to natural obstacles, are necessary to taking out timber from Provincial lands, and the right of constructing slides where necessary, shall continue uninterrupted and shall not be affected or obstructed by or in virtue of any sale, grant or lease of or entry for the said lands.

POWERS OF THE LIEUTENANT GOVERNOR IN COUNCIL

- 71.—(1) The Lieutenant Governor in Council may—
- (a) exchange any Provincial lands for other lands in the Province, with any person or corporation.
Provided the reason for such exchange shall be set forth in the Order,
 - (b) set aside out of the unoccupied Provincial lands transferred to the Province under the Agreement of Transfer, such areas as the Superintendent General of Indian Affairs in agreement with the Minister may select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province,
 - (c) set aside Provincial lands for use as Provincial parks, forest reserves, game reserves, bird sanctuaries, public shooting grounds, or public resorts,
 - (d) set aside Provincial lands for the sites of wharves or piers, airports, market places, gaols, court houses,

public parks or gardens, historic sites, town halls, hospitals, places of worship, burying grounds, or schools, and for purposes of agricultural exhibitions, and for other similar public purposes, or for model and industrial farms, upon such terms and conditions as may be prescribed, and at any time before the issue of a notification therefor alter or revoke the same.

- (e) authorize the acquisition by any railway, power or tramway company upon and subject to any terms and conditions that may be deemed proper, of a right-of-way or roadbed through Provincial lands, together with such other Provincial lands as may be necessary for stations, station grounds, workshops, buildings, yards, ballast pit, or other appurtenances of the company, as he may consider advisable,
 - (f) transfer for such consideration as he may fix to persons engaged in any project of draining and reclaiming swamp lands, the lands so reclaimed or a portion thereof;
 - (g) set aside Provincial lands suitable or required for the purposes of a harbor, landing, bridge site, airport, railway terminus, or station or townsite, any lands so set aside shall only be disposed of on such terms and subject to such conditions as are in each case fixed by the Lieutenant Governor in Council,
 - (h) withdraw from disposal under this Act any Provincial lands for reasons which shall be set forth in the Order effecting the withdrawal, any lands so withdrawn shall only be disposed of on such terms and subject to such conditions as the Lieutenant Governor in Council may in each case prescribe.
- Provided that at any time on being satisfied that there is no longer reason for continuing the withdrawal of any Provincial lands from disposition under this Act, and after reasonable notice given, he may cancel the withdrawal and declare the land open for disposition under this Act;
- (i) provide that any statement or return required by this Act or by any regulations made under it shall be verified on oath;
 - (j) in connection with any question in respect to Provincial lands, whether such question arises before or after the issue of a Certificate of Title therefor, appoint any person or persons to enquire into such question and any person or persons so appointed shall have all the powers which are or may be conferred upon a commissioner pursuant to *The Public Enquiries Act*,
 - (k) divide the Province into districts and prescribe the time when and the conditions upon which Provincial

lands in any district or any part thereof shall be thrown open for disposition or settlement;

- (f) from time to time make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent, or to carry out the Agreement of Transfer, or to meet cases which may arise and for which no provision is made by this Act;
- (w) establish a tariff of fees for all copies of maps, plans, field notes, documents, papers or other records of the Department of Lands and Mines, and for the registration of assignments thereon

(2) For the purpose of implementing any obligation affecting any lands vested in His Majesty in the right of the Province by virtue of the Agreement of Transfer, which, by the terms of the said agreement, the Province is bound to perform, the Lieutenant Governor in Council is empowered to do or cause to be done all or any acts and things, and to make any disposition of the said lands for the purpose aforesaid, and, to the extent only that it may be necessary for effecting such purpose, to depart from or vary any other provision of this Act.

72.—(1) Regulations made by the Lieutenant Governor in Council pursuant to this Act shall be published in *The Alberta Gazette* and thereupon shall have the same force and effect as if the same had been enacted by this Act.

(2) All such regulations shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof next after the due publication thereof in *The Alberta Gazette*.

(3) A return shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof as to all Orders in Council authorizing the sale or any disposition of land in the preceding fiscal year, setting out the number and date of the Order in Council, a short description of the land, the name of the grantee, and the consideration for the disposition.

73 The Minister may set aside and reserve from entry for homestead or from sale as agricultural lands, any lands which he considers to be unsuited for cultivation without the aid of irrigation, or to be required in connection with any system of irrigation, or any marsh lands, or lands suitable for grazing but not adapted to agriculture, or lands valuable on account of the hay or timber, quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron, or other minerals thereon or thereon, or for the protection of ponds, lakes, or other water supplies, or for the purpose of a water power, harbour, landing or townsite.

Provided that the Minister may, at any time, on being satisfied that there is no longer reason for continuing the

reservation of any lands so reserved, after due notice given, remove the reservation and declare the land open to entry for homestead or for sale as agricultural lands.

74. The Minister may execute on behalf of the Crown all leases and licenses issued or agreements made pursuant to the provisions of this Act.

75. The Minister may, whenever he deems it necessary so to do, vary any of the forms in the schedule to this Act, or to any Act amending it, or he may, from time to time, adopt or cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form is not set forth in the schedule.

Provided that every form shall be in accordance with the provisions of this Act.

76.—(1) No employee of the Government of the Province who is included in the first or inside division of the Public Service, as provided in *The Public Service Act*, shall directly or indirectly in his own name or in the name of any other person be a bidder at any auction sale of Provincial lands or acquire any interest in any Provincial lands, and no such employee shall be interested as a shareholder or director of any corporation or company which has any interest in Provincial lands, unless the shares of such company are regularly quoted and dealt in on the Montreal Stock Exchange, or any other stock exchange which may from time to time be declared by the Lieutenant Governor in Council to be an approved stock exchange for the purpose of this section, save and except only and so far as such person may be specifically authorized so to do by the Lieutenant Governor in Council.

(2) Every such employee who at the time of the coming into force of this Act has any interest in any Provincial lands, or is interested as a shareholder or director of any corporation or company which has any interest in Provincial lands, whose shares are not regularly quoted and dealt in on the Montreal Stock Exchange, shall on or before the first day of August, 1931, make a return to the Provincial Secretary in such form and containing such information as he may require as to any such interest as aforesaid.

(3) Every such employee who wilfully contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of not more than five hundred dollars and costs and in default of payment, to a term of imprisonment for not more than three months.

(4) Any interest in Provincial lands acquired after the coming into force of this Act in contravention of this section shall be utterly null and void for all purposes.

(5) For the purposes of this section, the expression "interest" means any interest as a purchaser, under an agreement of sale, as the lessee under any lease, the licensee under any license, or the permittee under any permit, or as the tenant for a homestead.

77. No employee of or under the Department of Lands and Mines and no person having access to the records of the Department shall disclose to any person, except with the authority of the Minister, any discovery made by him or by any other employee of the said Department, or disclose any information of which he is possessed in relation to Provincial Lands, and any employee violating this section shall be liable to summary dismissal on the order of the Minister; but his dismissal shall not affect the right which any person may have to bring against him any civil or criminal action.

REGISTRATION OF ASSIGNMENTS

78—(1) The Minister shall cause to be kept in the Department of Lands and Mines books for registering, at the option of persons interested, assignments of any right or interest acquired under the provisions of this Act or subsisting at the time of the passing of this Act, which the assignor is not prohibited from assigning or agreeing to assign, by any provision of this Act, or by the terms of the lease, license, permit, conveyance or other instrument by which he has acquired that right or interest, and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but no assignment shall be registered unless it is unconditional and unless its execution has been proved to the satisfaction of the Minister.

Provided that in no case shall the registration of any assignment relating to unreserved Provincial lands be held to make it incumbent on the Minister to provide for the future granting of any land or right under that assignment.

(2) When an assignment is of land required for right-of-way, station grounds, or other purpose deemed by the Minister to be in the public interest, nothing in this section contained shall prevent the registration of a conditional assignment or of an assignment of an undefined portion of a quarter-section held under entry, or of an agreement providing for such conditional assignment or for an assignment of an undefined portion of a quarter-section held under entry.

Provided, however, that where an assignment of an undefined portion of a quarter-section has been registered with the Department a notification for the whole quarter-section may issue without reservation to the tenant who would otherwise be entitled thereto, after one month's notice to the interested person or corporation, unless a plan and description of the lands required to be reserved has in the meantime been filed with the Department. *

79.—(1) If upon any disposition of Provincial lands the payment of any money payable as the consideration thereof is deferred to a date subsequent to the making of such disposition, then, subject to any express agreement to the contrary, the same shall bear interest at the rate of six per cent per annum.

(2) All sums of money whatsoever payable in respect of any disposition of Provincial lands shall bear interest at the rate of seven per centum per annum as and from the day upon which any such sum is due and payable.

80.—(1) The interest of any person other than the Crown in any Provincial lands shall be liable to assessment and taxation in any city, town, village, hamlet, municipal district, improvement district, school district, irrigation district and drainage district, but such interest shall not be subject to the provisions of any statute relating to the recovery of taxes.

(2) If upon the termination of any such interest, there is in the hands of the Minister any money over and above the amount of money owing in respect of such interest, the Minister may apply the same in payment of any taxes due and owing in respect of the terminated interest.

81. Upon any person becoming entitled to receive a title in fee simple to any lands to which this Act applies, a notification in Form E shall be issued and shall be signed by the Minister and shall be countersigned by the Director and shall be forwarded to the Registrar of Land Titles for the district in which such land is situate.

82. In the event of a notification issued to or in the name of a person who is dead, the notification shall not be therefore void, but the title to the land thereby granted or intended to be granted shall vest in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in Alberta, as if a notification had issued to or in the name of the deceased person during his lifetime.

83. If a notification has issued to, or in the name of, a wrong person, or contain any clerical error, misnomer, or wrong or defective description of the land thereby intended to be granted, or if there is in them an omission of the conditions of the grant or certificate, the Minister may, there being no adverse claim, direct the defective notification to be cancelled and a correct notification to be issued instead thereof, which correct notification shall relate back to the date of the notification so cancelled and have the same force and effect as if issued at the date of such cancelled notification.

54. In all cases in which, through error, grants or notifications have issued for the same land, inconsistent with each other, and in all cases of sales or appropriations of the same land, inconsistent with each other, the Minister may order a new grant to the person, thereby deprived, of land to a value equal to that of the original grant at the time of the grant, or he may, in case of sale, lease or license cause a refund to be made of any money paid on account of the sale, lease or license, with interest at the rate of five per cent per annum, or when the land has passed from the original holder, or has been improved before the discovery of the error, or when the original grant was a free grant, he may grant to the original holder such land as to him seems just and equitable under the circumstances; but no claim under this section shall be entertained unless it is preferred within one year after the discovery of the error.

55. Whenever any notification, lease or other instrument respecting land has been issued through fraud, or improvidence, or in error, any court of competent jurisdiction may, in any appropriate proceeding in such court, decree, order or adjudge such notification, lease or other instrument to be void, and upon the filing of the decree, order or adjudication in the Department of Lands and Mines at Edmonton, the notification, lease or other instrument shall be void, and if the notification, lease, or other instrument have been registered in the Land Titles Office for the district in which the land described in the notification, lease, or other instrument is situate, and if such notification, lease, or other instrument have been adjudged void at the suit of the Minister, he shall cause a copy of the decree, order or adjudication, certified to be a copy as provided by section 38 of this Act, to be recorded forthwith in the proper Land Titles Office.

56. Whenever, through error in survey or in the books or plans of a land office, any grant of land is found deficient, the Minister may order a free grant, equal in value at the time the land was granted or sold, to the ascertained deficiency, or he may order the purchase money of so much land as is deficient, with interest thereon at the rate of five per cent per annum, from the time of purchase thereof, to be paid back to the purchaser; but no claim respecting any such deficiency shall be entertained unless it is made within five years from the date of the letters patent, or notification, and unless the deficiency is equal to one-tenth of the whole quantity described therein as being contained in the lot or parcel of land granted.

EVIDENCE.

57. Copies of any records, documents, plans, books or papers belonging to or deposited in the Department of

Lands and Mines, attested under the signature of the Minister, Director of Lands, or any chief clerk or officer thereunto authorized by the Minister, and of plans or documents in any Lands Office in Alberta, attested as aforesaid or under the signature of the officer in charge of the office, shall be competent evidence in all cases in which the original documents, books, plans, or papers would be evidence.

88. Lithographed or other copies of maps or plans purporting to be issued or published by the Department of Lands and Mines, the Department of Public Works, or Government of Canada, shall be received in all courts and proceedings, as *prima facie* evidence of the originals, and of the contents thereof.

89. All affidavits, oaths, statutory declarations or solemn affirmations required to be taken or made under this Act, except as herein otherwise provided, may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits, or any notary public, or any Provincial Lands Agent, or Assistant Agent, or any sub-agent, or lands inspector, or any person specially authorized by this Act or by the Lieutenant Governor in Council or by the Minister, to take or receive the same.

SUMMARY PROCEEDINGS RESPECTING FORFEITURE AND TRESPASS

90.—(1) When any settler, purchaser, lessee, licensee, permittee, or other person refuses or fails to cease using, possessing, or occupying any land which in the opinion of the Minister he is wrongfully or without lawful authority using, possessing or occupying, or refuses or fails to deliver up possession of any land after his right to use, possess or occupy it has been declared forfeited under the provisions of this Act, the Minister, or any officer or agent of the Department of Lands and Mines authorized by the Minister for that purpose, may apply to the Judge of the Judicial District in which the land is situate for a summons directed to the person who in the opinion of the Minister is wrongfully or without lawful authority using or in possession or occupancy of such land, or who refuses or fails to deliver up possession after his right to use, possess or occupy it has been declared forfeited under the provisions of this Act, calling upon the said person forthwith to vacate or abandon, and cease using, possessing or occupying such land, or to deliver up possession thereof, as the case may be, or within thirty days after service of the said summons to show cause why an order or warrant should not be made for his removal from the said land, and to compel him to vacate or abandon it, and to cease using, possessing or occupying it, or to deliver up possession of it, as the case may be, and if,

upon the return of the summons, it appears that he has not removed from, vacated or abandoned the said land, or ceased using, possessing or occupying it, or delivered up possession of it, as the case may be, or if he does not show good cause to the contrary within the period limited by the summons, the judge shall, upon request made to him by the Minister, make an order or warrant for the said person's summary removal from the land, directing him to forthwith vacate and abandon it and cease using, possessing or occupying it, and to deliver up possession of it in a case where his right to use, possess or occupy it has been declared forfeited under the provisions of this Act; and the said order or warrant shall be executed by the sheriff, bailiff, constable or other person to whom it is delivered for that purpose.

(2) The officer or person to whom the order or warrant is addressed shall forthwith remove the person named therein from the said land and also all persons, who as members of his family, or as his employees, servants or labourers, or as his tenants or their families, employees, servants or labourers, or otherwise under his authority, or direction or permission, are using or occupying the said land; and in the execution of the order or warrant the officer or person to whom it is addressed shall have all the powers, rights, immunities and privileges enjoyed by a sheriff, constable or other peace officer in the execution of his duty.

(3) It shall be sufficient service of the summons if a copy thereof is left with a grown-up person found on the said land, and another copy is put up in some conspicuous place thereon, or, where no grown-up person is found on the land, if a copy is put up in each of two conspicuous places thereon.

(4) In a case of forfeiture, where the order or warrant directs any person who is not in possession or occupancy of the land to deliver up possession thereof, the order or warrant shall be sufficiently executed if a copy of it is left with any grown-up person on the said land and another copy is put up in some conspicuous place thereon, or, where no grown-up person is found on the land, if a copy is put up in each of two conspicuous places thereon, and the service of the order or warrant in the manner prescribed in the next preceding subsection shall confirm the forfeiture and make it irrevocable; but if, cause having been shown to the contrary, within the period limited in the summons for that purpose, the judge declines to make an order or warrant, the forfeiture shall thereupon be immediately cancelled by the Minister.

91. Any person remaining upon Provincial lands or returning thereto, or assuming any right of possession or occupancy or use thereof, after having been removed therefrom under an order or warrant, shall, upon summary conviction before a judge, stipendiary or police magistrate, or two or more justices of the peace, be liable to a fine not

exceeding three hundred dollars or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in the discretion of the Court.

92. Any holder of an entry for a homestead or any purchaser of land from the Crown who previous to the issue of the notification, sells any of the timber from such land to owners of saw mills or to any others than settlers for their own exclusive use, without having previously obtained permission so to do from the Minister, is guilty of a trespass and may be prosecuted therefor before a justice of the peace, and, upon summary conviction, shall be liable to a penalty not exceeding one hundred dollars, and the timber so sold shall be subject to seizure and confiscation in the manner hereinbefore provided.

93. All timber berths disposed of previous to the twentieth day of July, one thousand nine hundred and eight, shall be deemed to be and shall remain subject to the same obligations, terms and conditions as were in force relating thereto previous to the said date, and nothing herein contained shall interfere with, prejudice or take away any rights granted, previous to the said date, to the holders of such berths, which rights shall, nevertheless, be subject, at the date of each yearly renewal, to such changes in the regulations as are made from time to time.

94. No entrant, lessee, licensee, or purchaser of land shall, without the consent of the Department in writing, do any act or thing calculated or likely to be to the detriment of the surface of such land unless expressly authorized so to do by the terms of the sale, lease, license or permit.

MISCONDUCT AT SALES.

95. If, before or at the time of a public sale of provincial lands, any person by intimidation, combination or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale, such offender and his or their aiders and abettors shall, for every such offence, be guilty of a violation of this Act, and shall be liable, on summary conviction, to a penalty not exceeding four hundred dollars, and, in default of payment, to imprisonment for a term not exceeding two years.

96. *The Dominion Lands Act* which had force in the Province pursuant to *The Administration of Natural Resources (Temporary) Act*, shall cease to be in force in the Province.

SCHEDULE.

FORM A

APPLICATION FOR ENTRY.

(1) I,, of....., do hereby apply for an entry for a..... under the provisions of section . . . in that behalf of *The Provincial Lands Act*, for the..... quarter-section of section . . . in township....., range... West of the... meridian.

(2) I am a British subject.

(3) I am a citizen (or subject, as the case may be) of....., but I declare that it is my intention to become a British subject under the laws of Canada.

.....
(Signature)

.....
(Place and date)

FORM B.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR ENTRY.

(1) I,, of..... do solemnly swear (or affirm, as the case may be), that I am over seventeen years of age; that to the best of my knowledge and belief the land in respect of which my application is made is land open to homestead entry, and that there is no person residing on the said land; that there are..... improvements thereon consisting of..

(2) That I am a resident of Alberta within the meaning of section 15 of *The Provincial Lands Act*.

(3) That I have not heretofore obtained an entry for a homestead on Provincial Lands, or for a homestead under the provisions of *The Dominion Lands Act*.

(4) That I obtained entry for a homestead on the .. day of....., 19...., for .. quarter-section of section . . . in township....., range... West of the... meridian, but forfeited (or abandoned, as the case may be) the same

(5) That this application is made for my exclusive use and benefit, with the intention of my residing upon and

cultivating the said land, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever.

Subscribed and sworn to this }
 day of }
 19. , before me at } (Signature)

.
Agent (or Sub-Agent, as the case may be)

FORM C.

AGENT'S CERTIFICATE OF ENTRY AND RECEIPT FOR FEE.

I hereby certify that of has, in accordance with the provisions of *The Provincial Lands Act*, applied in the Form A, supported by affidavit in the Form B, as therein provided, for entry for the quarter-section of section in township range West of the meridian

I hereby acknowledge the receipt from the said of the sum of, being the amount of the office fee payable with such application, as prescribed by the regulations.

And I hereby certify that the said application has been allowed by me and that entry has been granted to the said for the said quarter-section as a, and that in virtue thereof the said is hereby vested in respect of such with the rights conferred by the provisions of *The Provincial Lands Act*

.
Agent.

Provincial Lands Office,
 District.
 day of, 19.

FORM D.

SUB-AGENT'S CERTIFICATE OF APPLICATION FOR ENTRY AND RECEIPT FOR FEE.

I hereby certify that of has, in accordance with the provisions of *The Provincial Lands Act*, applied in the Form A, supported by affidavit in the Form B, as therein provided, for entry for quarter-

section of section . . . , in township . . . , range . . . , West of the . . . meridian, as s . . .

And I hereby acknowledge the receipt from the said . . . of the sum of . . . being . . . the amount of the office fee payable with such application as prescribed by the regulations, my acceptance of the said amount being subject to the allowing of the entry by the Agent at . . . who, if entry be not allowed, will refund the payment to the said . . .

Sub-Agent.

(Place, date and hour)

FORM E.

NOTIFICATION FOR ISSUE OF CERTIFICATE OF TITLE

The Registrar,
Land Titles Office,
- - - - - Alberta.

The undernamed is entitled to the issue of Certificate of Title in favour for the following land:

Description
Name
Address
Occupation
Form of patent
Name of grant
No.
Remarks

Date day of, 19

Requestion No

Countersigned by

Director of Lands.

Minister.

FORM F.

APPLICATION BY A MINOR FOR THE RESERVATION OF A HOMESTEAD.

I, of do hereby apply, under the provisions of subsection (2) of section 16 of *The Provincial Land Act*, for the reservation

of the quarter-section of section . . . , in township . . . , range . . . West of the meridian, for a period of . . . months from this date, with a view to my obtaining entry therefor as a homestead as soon as I attain the age of seventeen years

I am in permanent residence on the quarter-section of section . . . , in township . . . , range . . . West of the meridian, now held under entry (or, as the case may be, owned and occupied) by , my

I am a resident of the Province of Alberta within the meaning of section 15 of *The Provincial Lands Act*.

.....
(Signature)

.....
(Place and date)

FORM G.

AFFIDAVIT BY RELATIVE IN SUPPORT OF AN APPLICATION FOR RESERVATION OF A HOMESTEAD ON BEHALF OF A MINOR.

I, of do solemnly declare (or affirm, as the case may be) that the quarter-section of section in township range West of the meridian, in respect of which application is made by to have reserved under the provisions of subsection (2) of section 15 of *The Provincial Lands Act*, is land open to homestead entry, that there is no person residing on the said land, that there are improvements thereon that the said application is made for the sole use and benefit of the said with a view to his obtaining entry for the said land as soon as he attains the age of seventeen years; that the said who is my has his permanent residence with me on the quarter-section of section in township range West of the meridian, for which I hold entry (or, as the case may be, own and occupy), that the said will have attained the full age of seventeen years on the day of 19. and that the said is a resident of the Province of Alberta within the meaning of section 15 of *The Provincial Lands Act*

Subscribed and sworn to this }
. day of }
19 before me at }

(Signature)

.....
(Agent)

FORM H

AGENT'S CERTIFICATE OF RESERVATION OF HOMESTEAD
FOR A MINOR

I hereby certify that, of, has, in accordance with the provisions of subsection (2) of section 15 of *The Provincial Lands Act*, applied in the Form F, supported by affidavit in the Form G, as therein provided, for the reservation of . . . quarter-section of section . . ., in township . . . range . . . West of the . . . meridian, with a view to his obtaining entry therefor as soon as he attains the full age of seventeen years.

I hereby certify that the said application has been allowed and that the said land is hereby reserved for a period of . . . months from this date for the purpose aforesaid, and subject to the conditions mentioned in paragraphs (a), (b) and (c), of subsection (2) of section 15 of *The Provincial Lands Act*.

Provincial Lands Office at	} (Agent)
. this	
. day of	
19	
.	

No 7.

FIRST SESSION
SEVENTH LEGISLATURE
21 GEORGE V
1981

BILL

An Act respecting Provincial Lands.

Received and read the

First time.. .. .

Second time

Third time.. . . .

HON. MR REID

EDMONTON
W. D. McLEAN, Queen's Printer
A.D. 1981

Title: 1931 (7th, 1st) Bill 7, An Act respecting Provincial Lands