

Bill No. 44 of 1933.

A BILL TO AMEND THE PROVINCIAL LANDS ACT.

NOTE.

Section 2 of this Bill is designed to make the Act applicable to land other than lands owned by the Province where the context expressly makes it so applicable.

Section 3 of the Bill strikes out the provision which prohibits the abandonment of a purchased preemption or a purchased homestead in favour of the holder or a relative for the purpose of making entry for the land as a second homestead.

Section 4 of the Bill does away with the requirement that the advertisement of a permit berth shall be in at least three issues of a newspaper circulating in the vicinity.

Section 5 empowers the Lieutenant Governor in Council to make rules and regulations as to the disposal of isolated blocks of timber containing not more than 75,000 feet of merchantable timber.

Section 6 of the Bill makes the remedies for collection provided by section 58 of the Act applicable to all cases where default has been made in payment of timber dues.

Section 7 of the Bill prescribes the requirements for the execution of any document for the purposes of the Act by a body corporate.

Section 8 of the Act amplifies the powers of distress for the recovery of rents, royalties and the like payable to the Crown in respect of provincial lands.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 44 of 1933.

An Act to amend The Provincial Lands Act.

(Assented to _____, 1933.)

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 Amendment Act, 1933.*"

2. *The Provincial Lands Act*, being chapter 43 of the Statutes of Alberta, 1931, is hereby amended as to section 3 thereof—

- (a) by striking out the words "This Act applies" where the same occur therein, and by substituting therefor the words "This Act applies generally";
- (b) by adding at the end thereof the words "and where the context so permits or requires, to all land in the Province."

3. The said Act is further amended as to section 17 thereof by striking out the paragraph at the end of subsection (8) thereof which commences with the words "The holder of a pre-emption or purchased homestead entry."

4. The said Act is further amended as to section 52 thereof by striking out the words "in at least three issues of a newspaper circulating in the vicinity," where the same occur in clause (f) thereof.

5. The said Act is further amended as to section 54 thereof by adding at the end thereof the following new clause:

- "(i) which occurs in areas which are shown by a report of an officer of the Department made upon a proper inspection to be isolated from other areas containing merchantable timber and which contain not more than 75,000 feet, board measure."

6. The said Act is further amended as to section 58 thereof—

- (a) by striking out the words "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 by its disposition in any other manner or form, the amount of dues so evaded," where the same occur therein, and by substituting therefor the words "In case any timber or any of the products thereof in respect of which any dues are payable has been removed from the Province or otherwise disposed of and the dues payable have not been paid, the amount of the unpaid dues";

- (b) by striking out the words "payment has been evaded" where the same occur therein, and by substituting therefor the words "payment has not been made."

7. The said Act is further amended by inserting therein, immediately after section 87 thereof, the following new section:

"**87a.** For the purposes of this Act, any lease, contract, agreement or other instrument made pursuant to any of the provisions of this Act whereby any person enters into any obligation with the Crown shall, in the case of a body corporate, be deemed to be sufficiently executed if sealed with the corporate seal of the body corporate and countersigned by one officer of the corporation, notwithstanding anything contained in any statute, or charter of incorporation, or memorandum of association, or articles of association to the contrary."

8. The said Act is further amended by inserting therein, immediately after section 95 thereof, the following new section:

"**95a.**—(1) Notwithstanding anything in *The Distress Act* or any other Act to the contrary, in case any default is made in the due payment of any rent or any money payable by way of rent or on account of any dues or royalties which are payable to the Crown in the right of the Province under and by virtue of any lease, license, permit, agreement of sale or other instrument made, entered into or issued pursuant to any of the provisions of this Act or of any Act of the Parliament of Canada, then and in every such case and whether the same is demanded or not, the Crown shall have the right to levy the same by distress—

- "(a) in case the sum for which distress is levied is for rent, royalties and dues, or any of them, payable in respect of any mines and minerals, upon all or any of the goods and chattels which shall then be found in, on or about the property in respect of which the rent, royalties and dues, or any of them, are payable, as well as in, on or about any land which is used or occupied for the purpose of the operation of the mine or the mining and getting of the minerals, as the case may be;
- "(b) in all other cases, upon all or any of the goods and chattels which shall then be found upon the premises in respect of which any of the sums distrained for are payable.

“(2) For the purpose of levying any distress under this section, the Minister is hereby empowered for and on behalf of the Crown to issue a distress warrant under his hand addressed to the sheriff of the judicial district within which is situate the premises upon which the distress is to be made, directing him to levy by distress the sum mentioned therein upon the goods and chattels found upon the premises specified therein and upon receipt of any such warrant, it shall be the duty of the sheriff to execute the same by the seizure, and unless he is sooner paid, by sale of the goods and chattels seized, and every such seizure and sale shall be subject to the provisions of *The Seizures Act*.”

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

No. 44.

THIRD SESSION
SEVENTH LEGISLATURE
23 GEORGE V
1933

B I L L

An Act to amend The Provincial
Lands Act.

Received and read the

First time.....

Second time

Third time

HON. MR. REID

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1933