

Bill No. 7 of 1934.

A BILL TO AMEND AND CONSOLIDATE AN ACT  
RESPECTING THE TILLEY EAST AREA AND  
THE BERRY CREEK AREA ACT.

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NOTE.

This Bill consolidates the statutes relating to the Tilley East Area and the Berry Creek Area.

Additional powers are conferred with respect to the disposition and management of the public lands in an area; the disposition and management of lands unfit for agricultural settlement acquired by a municipality in an area under tax recovery proceedings; the surrender of lands to the Crown and the cancellation of the taxes then outstanding in respect of those lands; and as to the compromise of taxes in arrear as at the first day of January, 1933, in respect of any land in an area.

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. 7 of 1934.

An Act to amend and consolidate an Act respecting The  
Tilley East Area and The Berry Creek Area Act.

(Assented to 1934.)

**H**IS 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 Tilley East and Berry  
Creek Areas Act.*"

**2.** The Lieutenant Governor in Council shall have power  
to constitute a Board consisting of such persons as may be  
from time to time appointed as members thereof by the  
Lieutenant Governor in Council and the Board so constituted  
shall be charged with the duty of administering the follow-  
ing areas, namely:

- (a) An area consisting of that part of the Province  
lying to the south of the Red Deer River, to the east  
of the line between Range 10 and Range 11, west of  
the Fourth Principal Meridian, to the west of the  
easterly boundary of the Province and to the north  
of the South Saskatchewan River, which area is  
known as the Tilley East Area; and
- (b) All that tract of land comprising that part of Town-  
ship 23 lying to the north of the Red Deer River,  
and all of Townships 24 and 25, in Range 7; those  
parts of Townships 22 and 23 lying to the north of  
the Red Deer River, and all of Townships 24 and  
25, in Range 8; that part of Township 22, and all  
of Townships 23, 24 and 25, in Range 9; those parts  
of Townships 21 and 22 lying to the north of the Red  
Deer River, and all of Townships 23 to 28, both  
inclusive, in Range 10; that part of Township 21  
lying to the north of the Red Deer River, and all of  
Townships 22 to 28, both inclusive, in Range 11;  
that part of Townships 21 and 22 lying to the north  
of the Red Deer River, and all of Townships 23 to  
28, both inclusive, in Range 12; that part of Town-  
ship 22 lying to the north of the Red Deer River,  
and all of Townships 23 to 28, both inclusive, in  
Range 13; that part of Township 22 lying to the  
north-east of the Red Deer River; those parts of  
Townships 23 and 24 lying to the north-east of the  
Red Deer River; and all of Townships 25 to 28, both  
inclusive in Range 14; those parts of Townships 23,

24 and 25 lying to the north-east of the Red Deer River, and all of Townships 26 to 28, both inclusive, in Range 15; those parts of Townships 25 and 26 lying to the north-east of the Red Deer River, and all of Townships 27 and 28, in Range 16; and that part of Townships 26 and 27 lying to the north-east of the Red Deer River, and all of Township 28, in Range 17, all west of the Fourth Meridian, in the Province of Alberta, which area is known as the Berry Creek Area.

**3.** The Lieutenant Governor in Council shall have power, notwithstanding the provisions of any other Act—

- (a) to increase any area by the addition of land for the time being not included therein or decrease any area by the withdrawal of land for the time being included therein;
- (b) to close up road allowances within any area;
- (c) to direct that any of the public lands within any area or any interest therein shall be dealt with in such manner as may seem to be for the benefit of the residents of the area;
- (d) to lease public lands within any area at such rentals, including taxes, as may seem advisable;
- (e) to arrange for the exchange of lands with any person or corporation, whether any such lands be within an area or not;
- (f) to provide for the compromise of any arrears of taxes owing by any person in respect of any land in the area which accrued before the first day of January, 1933, and fix the amount which shall be accepted in satisfaction of such arrears and the manner in and times at which any sum so fixed shall be paid;
- (g) to set aside for community grazing any lands within an area;
- (h) to receive the money payable in respect of any leases granted by the Board in any area and to expend such part thereof as seems advisable for the betterment of that area, and without derogating from the generality of the foregoing, for the purpose of investigating the means of water supply and for the purpose of procuring a water supply;
- (i) to arrange for the payment of the total debenture indebtedness of school districts within an area, or such portion thereof as may be agreed upon with the debenture holders to be paid out of the revenue derived from the leases granted under the provisions of this Act;
- (j) to exercise upon the dissolution of any municipal district within an area all the duties or rights imposed or conferred by law upon the council thereof immediately prior to such dissolution, including the

duty and right to continue all tax enforcement proceedings and all other proceedings to recover money due to such district;

- (k) to delegate any or all of the powers set out in paragraphs (d) to (j) hereof, inclusive, to the said Board; and
- (l) to do all such matters and things and make such regulations as may be deemed necessary or convenient for effecting the intent and purpose of this Act.

**4.** For the purposes of this Act, no land within an area which has heretofore or may hereafter become finally acquired by a municipality within the meaning of *The Tax Recovery Act, 1929*, under the provisions of that Act or of any other Act of the Province relating to the recovery of taxes, shall be disposed of without the consent of the Board constituted by this Act: and such consent shall not be given in respect of any parcel of land so acquired which, in the opinion of the Board, is not suitable for agricultural settlement; and in case the Board classifies any parcel so acquired as being unsuitable for agricultural settlement, the same shall be held by the Municipality and shall be dealt with as public lands within the meaning of this Act, and in accordance with any directions given pursuant to this Act.

**5.** With the approval of the Minister of Lands and Mines, the Board may designate any lands in an area vested in the Province which are Provincial lands within the meaning of *The Provincial Lands Act* as lands unfit for agricultural settlement, and the lands so designated shall be dealt with as public lands within the meaning of this Act and in accordance with any directions given pursuant to this Act.

**6.** The Minister of Municipal Affairs may accept a transfer on behalf of His Majesty of any lands in an area which in the opinion of the Board are not suitable for agricultural settlement, and any lands so acquired shall be public lands within the meaning of this Act.

**7.** Upon the final acquisition of any land in an area under the provisions of *The Tax Recovery Act, 1929*, or any other Act of the Province relating to the recovery of taxes, or upon the acceptance by the Minister of Municipal Affairs of a transfer of any lands pursuant to this Act, the same shall as to the interest of the municipality therein cease to be liable to assessment and taxation and the taxes which were at the time of the acquisition or the acceptance of transfer by the Minister thereof owing in respect of the land shall be cancelled.

**8.** In case any land so finally acquired or transferred to the Minister of Municipal Affairs pursuant to this Act, and which is public land within the meaning of this Act, is at the date of such acquisition or transfer liable to the pay-

ment of any taxes to a municipal district or a hospital district or a school district, any revenue derived therefrom, after providing for the payment of the proportion of the expenditures incurred in administration and development of the area attributable thereto, shall be applied towards the payment of the taxes so owing.

**9.** In any case in which provision has been made pursuant to this Act for the compromise of any arrears of taxes and a sum has been thereby fixed as the sum to be paid in satisfaction of the arrears, the authority entitled to receive the arrears shall accept the sum so fixed in satisfaction of the arrears, and the arrears in excess of the sum so fixed shall be cancelled.

**10.** For the purpose of controlling and regulating any part of an area set aside by the Board for a community grazing area, the Board may, with the approval of the Lieutenant Governor in Council, make such provision for the conduct thereof as may be deemed proper, and may prescribe as to the persons who may have animals thereon, the number, kind and description of animals which any person may place thereon, the fees payable in respect of any animals permitted to graze thereon, the times at which and the manner in which round-ups shall be made, and the impounding and dealing with stray animals thereon and in case any provision so made conflicts with any provision of *The Domestic Animals (Unorganized Territory) Act*, or of *The Domestic Animals Act (Municipalities)*, the provision so made shall prevail.

**11.** The Board may with the approval of the Lieutenant Governor in Council constitute as a pound district under section 18a of *The Domestic Animals (Unorganized Territory) Act* any portion of a Municipal District which is situate within an area constituted for the purposes of this Act.

**12.** *An Act respecting the Tilley East Area*, being chapter 45 of the Statutes of Alberta, 1927, and *The Berry Creek Area Act*, being chapter 55 of the Statutes of Alberta, 1932, are hereby repealed.

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

FOURTH SESSION  
SEVENTH LEGISLATURE  
24 GEORGE V  
1934

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**BILL**

An Act to amend and consolidate an  
Act respecting The Tilley East Area  
and The Berry Creek Area Act.

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. REID

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1934