

Bill No. 43 of 1935.

A BILL TO AMEND THE TILLEY EAST AND BERRY  
CREEK AREAS ACT.

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NOTE.

The general effect of the amendments made by this Bill is to rename it as "*The Special Municipal Areas Act*" (sections 2 and 3); and to make it applicable to the Tilley East Area and the Berry Creek Area and any other area created by order in council within the limits mentioned in section 5 of the Bill.

Section 6 makes charges payable to the Board for animals run or grazed upon an open range under lease or permit of the Board a first lien upon the animals, enforceable by seizure and sale of the animals, and by distress upon the goods and chattels of the lessee or permittee.

By section 7 lands acquired by a municipality by way of gift are included in the lands which must be disposed of as public lands.

Section 8 provides that with the approval of the Irrigation Council any lands vested in the trustees of an irrigation district which are non-irrigable and unfit for agricultural settlement may be treated as public lands.

By section 9 the Board is empowered to acquire land which is unsuitable for settlement upon lease for community grazing purposes.

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. 43 of 1935.

An Act to amend The Tilley East and Berry Creek Areas Act.

(Assented to \_\_\_\_\_, 1935.)

**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 Tilley East and Berry Creek Areas Act Amendment Act, 1935.*"

**2.** *The Tilley East and Berry Creek Areas Act*, being chapter 61 of the Statutes of Alberta, 1934, is hereby amended as to the long title thereof by adding at the end the words "and to Provide for the Administration of Other Special Areas".

**3.** The said Act is further amended as to the short title thereof by striking out the same and by substituting therefor the words "*The Special Municipal Areas Act*".

**4.** The said Act is further amended by inserting therein, immediately after section 1 thereof, the following new section:

"**1a.** 'Special municipal area' means any special municipal area constituted pursuant to this Act, and includes the Tilley East Area and the Berry Creek Area."

**5.** The said Act is further amended as to section 2 thereof by adding at the end thereof the following:

"(c) Every area constituted by the Lieutenant Governor in Council as a special municipal area.

"(2) The Lieutenant Governor in Council may from time to time constitute one special municipal area, or several such areas, consisting of any lands in that part of the Province lying to the west of the easterly boundary of the Province, to the south of Township 38, to the east of Range 22, west of the Fourth Meridian, and to the north of the Oldman and South Saskatchewan Rivers."

**6.** The said Act is further amended by inserting therein, immediately after section 3 thereof, the following new section:

"**3a.**—(1) All sums payable to the Board under any grazing lease or under any permit in respect of any animals run

or grazed upon an open range in pursuance of any lease or permit shall constitute a first lien in favour of the Board upon each and every of the animals so run or grazed; and the Board may enforce its lien by the seizure and sale in such manner as it may deem proper of such of the animals subject to the lien as may be required to realize a sufficient sum to satisfy the full amount owing by the lessee or permittee.

“(2) In addition to any of the remedies which the Board may have, in case default is made in the due payment of any sum owing by a lessee or permittee under any grazing lease or permit with respect to animals run or grazed upon any open range, the Board may recover the same by distress upon any goods and chattels of the lessee or permittee wheresoever the same may be found within the Province in the same manner and subject to the same conditions, exemptions and restrictions as if the amount so owing were taxes payable under the provisions of The Municipal District Act, and all the provisions of that Act relating to distress shall, *mutatis mutandis*, apply to a distress under this section.”

**7.** The said Act is further amended as to section 4 thereof by striking out the words “relating to the recovery of taxes”, where the same occur therein, and by substituting therefor the words “relating to the recovery of taxes and no land required by a municipality by way of gift”.

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

“(2) With the approval of the Irrigation Council, the Board may designate any lands in an area vested in the trustees of an irrigation district as lands unfit for agricultural settlement, and the lands so designated shall be dealt with as public lands within the meaning of this Act.”

**9.** The said Act is further amended as to section 6 thereof by adding at the end thereof the following new subsection:

“(2) For the purpose of providing community grazing facilities in any area, the Board may from time to time, with the approval of the Minister of Municipal Affairs, acquire by lease, from any person, for such term, at such rent, and subject to such terms and conditions as may be approved by the Minister, any lands which in the opinion of the Board are not suitable for agricultural settlement.”

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

No. 43.

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FIFTH SESSION  
SEVENTH LEGISLATURE  
25 GEORGE V  
1935

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**B I L L**

An Act to amend The Tilley East and  
Berry Creek Areas Act.

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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HON. MR. ALLEN.

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1935