

Bill No. 91 of 1935.

A BILL TO AMEND THE PROVINCIAL LANDS ACT.

---

NOTE.

Section 2 of the Bill provides in effect that the amount of land which may be reserved for entry for the relative of a homesteader shall be not more than 160 acres and any lesser amount approved by the Minister.

The amendment made by section 3 of the Bill expressly requires that applications for homestead entry shall be dealt with in the order in which they are received.

By section 4 the time during which a homesteader may be absent from his homestead is placed within the discretion of the Minister.

By section 5 the requirements as to homestead duties are modified providing that the homesteader is required to hold the homestead for his own exclusive use and benefit whilst performing his duties, and is required to have resided thereon either four months in each of five years or six months in each of three years.

Section 7 permits the performance of homestead duties on a farm within a radius of nine miles of the homestead of any area approved by the Minister.

Section 8 modifies the provisions as to the completion of homestead duties in case of the death of the entrant by permitting the sale of the homestead right upon such terms as may be prescribed by the Minister.

Section 9 makes a similar modification when the entrant becomes mentally diseased or mentally incompetent.

Section 10 provides for the issuance of title to an alien homesteader who has been refused naturalization merely because he has not an adequate knowledge of either English or French.

Section 11 repeals the requirements that Provincial lands shall not be sold otherwise than by public auction and the requirement that the minimum price at which land may be sold to an incapacitated homestead entrant shall be one dollar per acre.

Section 12 makes provision for recording certain quartz mining claims which cannot be recorded under the existing regulations.

## II.

Section 13 empowers the Minister to grant by way of gift school lands required for school sites.

Section 14 provides for the reduction of interest payable under contracts for the sale of school lands.

Section 15 empowers the Minister to give effect to compromises as to agreements for the sale of school lands effected pursuant to *The Farmers' Creditors Arrangement Act, 1934*, and to reinstate upon modified or different terms agreements of school lands cancelled between the thirtieth day of September, 1930, and the first day of April, 1935.

Section 16 empowers the Lieutenant Governor in Council to make regulations for the disposal of vacant land for residential purposes or other purposes in the public interest.

Sections 17 and 19 make provision for the execution of documents by deputies, acting deputies and authorized persons as well as by the Minister or other designated official.

Section 18 provides for the reduction of interest payable on deferred payments for the purchase price of Provincial lands from 6% to 4%, and on arrears of such payments, from 7% to 5%.

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. 91 of 1935.

An Act to amend The Provincial Lands Act.

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

**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 Provincial Lands Act Amendment Act, 1935.*"

**2.** *The Provincial Lands Act*, being chapter 43 of the Statutes of Alberta, 1931, is hereby amended as to section 15 thereof by striking out the words "of an area of not less than eighty acres", where the same occur in subsection (2) thereof, and by substituting therefor the words "of such area less than a quarter-section as may be approved by the Minister".

**3.** The said Act is further amended as to section 17 thereof—

- (a) by striking out the words "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", where the same occur in subsection (1) thereof, and by substituting therefor the words "of ten dollars which shall be payable with the application, and the local agent or officer acting for him shall deal with applications in the order in which they are received";
- (b) by striking out the words "or part of the fee payable pursuant to the Regulations", where the same occur in subsection (2) thereof.

**4.** The said Act is further amended as to section 19 thereof by striking out the words "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", where the same occur in subsection (1) thereof, and by substituting therefor the words "in his discretion from time to time grant extensions of time during which the settler may be absent from his homestead without prejudice to his right therein but any time for which an extension is granted shall not be counted as residence".

**5.** The said Act is further amended as to section 21 thereof—

- (a) by striking out the words “for five years”, where the same occur in paragraph (a) thereof, and by substituting therefor the words “while performing the necessary requirements for the issue of a notification”;
- (b) by adding at the end of paragraph (b) thereof the words “or to have resided thereon at least six months in each of three years”; and
- (c) by striking out paragraph (f) thereof.

**6.** The said Act is further amended as to section 22 thereof by striking out paragraphs (c) and (d) of subsection (1) thereof and by substituting therefor the following:

“(c) Upon the basis of a homestead year or of a calendar year.”

**7.** The said Act is further amended as to section 23 thereof—

- (a) by striking out the words “of an area of at least eighty acres”, where the same occur therein, and by substituting therefor the words “of such area as may be approved by the Minister”;
- (b) by adding at the end thereof the following new subsection:  
“(2) In case any question arises as to whether or not an entrant is the sole owner of any land for the purposes of this section, the same shall be referred to the Minister for determination and his decision thereon shall be final.”

**8.** The said Act is further amended as to section 24 thereof by striking out all the words in the section following the word “cultivation”, where the same first occurs therein, and by substituting therefor the words “or to carry out such terms for the purchase thereof as the Minister may prescribe in order to entitle him to obtain title thereto; or the legal representative of the deceased entrant may assign the homestead, and the assignee shall, after—

- “(a) holding the homestead for his own exclusive use and benefit from the date of the assignment; and
  - “(b) completing the requirements as to cultivation in the same manner as the person who originally made the entry would have been required to do—
- “be entitled to receive title for the homestead.”

**9.** The said Act is further amended as to section 25 thereof—

- (a) by striking out the words “and payment of fees”, where the same occur in subsection (1) thereof, and by substituting therefor the words “or to carry out such terms of purchase as the Minister may prescribe”;

- (b) by striking out the proviso to subsection (1) thereof;
- (c) by striking out the word "residence" where the same occurs in subsection (2) thereof; and
- (d) by striking out the words "be dispensed with", where the same occur in subsection (2) thereof, and by substituting therefor the words "be dispensed with in whole or in part".

**10.** The said Act is further amended as to section 29 thereof by adding at the end of subsection (3) thereof the following new paragraph:

- "(d) an alien entrant who presents a certificate from the Secretary of State of Canada setting out that the applicant has been refused naturalization on the sole ground that he has not an adequate knowledge of either English or French."

**11.** The said Act is further amended as to section 35 thereof—

- (a) by striking out subsection (2) thereof; and
- (b) by striking out the words "not less than one dollar an acre," where the same occur in subsection (4) thereof.

**12.** The said Act is further amended as to section 39 thereof by adding at the end of subsection (1) thereof the following proviso:

"Provided always that in any case in which default has been made in recording the staking of any quartz mining claim effected pursuant to the quartz mining regulations and in respect of which all of the requirements of the regulations with the sole exception of the recording have been duly complied with, the claim may be recorded at any time on or before the first day of June, 1935, and thereupon the certificate of recording shall be issued, and any certificate so issued shall be conclusive as to the right of ownership."

**13.** The said Act is further amended as to section 41 thereof—

- (a) by striking out the words "sell to the board of school trustees for the district for which the same is required, at a price of ten dollars per acre", where the same occur therein, and by substituting therefor the words "grant by way of gift to the board of school trustees for the district for which the same is required upon such terms and conditions as may be prescribed by the Lieutenant Governor in Council"; and
- (b) by striking out the words "upon payment of such price", where the same occur therein, and by substituting therefor the words "upon compliance with the prescribed terms and conditions".

**14.** The said Act is further amended as to section 43 thereof—

- (a) by striking out the words “six per cent”, where the same occur therein, and by substituting therefor the words “four per cent”; and
- (b) by striking out the words “seven per cent”, where the same occur therein, and by substituting therefor the words “five per cent”.

**15.** The said Act is further amended as to section 44 thereof by adding at the end thereof the following new subsection:

“(2) The Minister is hereby empowered—

- “(a) to give effect to any compromise, adjustment or arrangement made pursuant to *The Farmers’ Creditors Arrangement Act, 1934*, in respect of any agreement for the sale of school lands or of any sum payable under any such agreement on account of principal and interest or either of them; and
- “(b) to reinstate upon such terms and such conditions as to him seem proper any such agreements as have been cancelled at any time since the thirtieth day of September, 1930, and before the first day of April, 1935, and upon so doing to adjust and compromise the sums outstanding whether for principal or interest under the cancelled agreement and to enter into a new agreement in lieu of the cancelled agreement upon such terms and conditions as to the amounts payable for principal and interest, the instalments in which payment is to be made and such other terms and conditions as may be prescribed from time to time by the Lieutenant Governor in Council.”

**16.** The said Act is further amended as to section 72 thereof by adding at the end of subsection (1) thereof the following new paragraph:

- “(o) make regulations for the sale or leasing of any vacant lands for residential purposes or for any other purpose which is deemed to be in the public interest.”

**17.** The said Act is further amended as to section 75 thereof by striking out the same and by substituting therefor the following:

“**75.** All leases, licenses and agreements issued or made pursuant to the provisions of this Act may be executed on behalf of the Crown by the Minister or by the Deputy Minister, or in the absence of the Deputy Minister by the person for the time being acting as Deputy Minister, or by any other officer of the Department authorized for the purpose by the Minister in writing.”

**18.** The said Act is further amended as to section 80 thereof—

- (a) by striking out the words “six per cent”, where the same occur in subsection (1) thereof, and by substituting therefor the words “four per cent”; and
- (b) by striking out the words “seven per cent”, where the same occur in subsection (2) thereof, and by substituting therefor the words “five per cent”.

**19.** The said Act is further amended as to section 82 thereof by striking out the words “shall be signed by the Minister and shall be countersigned by the Director”, where the same occur therein, and by substituting therefor the words “shall be signed by the Minister or by the Deputy Minister or the person for the time being acting as Deputy Minister and shall be countersigned by the Director or any person acting as Director in his absence”.

**20.** Section 14 and section 15 of this Act shall each come into force upon a day to be fixed by Proclamation of the Lieutenant Governor in Council, and the remainder of this Act shall come into force on the day upon which it is assented to.

No. 91.

---

FIFTH SESSION  
SEVENTH LEGISLATURE  
25 GEORGE V  
1935

---

**B I L L**

An Act to amend The Provincial  
Lands Act.

---

Received and read the

First time.....

Second time.....

Third time.....

---

HON. MR. ALLEN.

---

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