

BILL

No. 91 of 1937.

An Act to amend The Provincial Lands Act.

(Assented to _____, 1937.)

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, 1937.*"

2. *The Provincial Lands Act*, being chapter 43 of the Statutes of Alberta, 1931, is hereby amended as to section 13, by striking out the same and by substituting therefor the following:

"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 Surveys 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."

3. The said Act is further amended as to section 23 by striking out subsection (1) thereof and by substituting therefor the following:

"23.—(1) Permanent residence by an entrant upon a farm of such area as may be approved by the Minister, 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 by his father, mother, husband, wife, son, daughter, brother or sister, shall be accepted as residence upon the homestead, and for the purposes of this subsection a person who is a purchaser of land under an Agreement of Sale and who has paid at least one-third of the purchase price as at the date of application for notification for the homestead, shall be deemed to own the land so purchased.

"(1a) Where the title to land is vested in the homesteader or a relative, the ownership thereof shall be established by the production of proof of the date of commencement of ownership and by the production of an abstract of title showing ownership at the time of application for a notification."

4. The said Act is further amended as to section 36 by adding at the end thereof the following new proviso:

"Provided also that notwithstanding the terms or provisions of any lease now subsisting made by the Province or the Dominion of Canada, the rental shall become due and be payable in advance on the first day of January in each and every year during the term of such lease."

5. The said Act is further amended as to section 39 by striking out the proviso to subsection (1) thereof.

6. The said Act is further amended as to section 40 by adding at the end thereof the following new subsection:

"(2) Provincial lands of a class designated as School Lands containing sand, stone or gravel, may be disposed of under regulations made by the Lieutenant Governor in Council."

7. The said Act is further amended as to section 44,—

(a) by striking out the words "the first day of April, 1935" where the same occur in paragraph (b) of subsection (2) and by substituting therefor the words "the thirty-first day of December, 1936"; and

(b) by adding at the end thereof the following new subsection:

"(3) The Lieutenant Governor in Council may,—

"(a) appoint a Board of not more than three members to inquire into any application for compromise, adjustment or arrangement in respect of any agreement for the sale of School Lands or of the sum payable under such agreement on account of principal and interest or either of them; and to report thereon to the Minister with such recommendations as may be deemed proper; and

"(b) give effect to the recommendation of such Board of any compromise, adjustment or arrangement in respect of any agreement for the sale of School Lands or of the sum payable under such agreement on account of principal and interest or either of them."

8. The said Act is further amended as to section 44a by striking out the same.

9. The said Act is further amended as to section 46 by striking out paragraphs (b), (c) and (d) and by substituting therefor the following:

"(b) no berth shall be offered for sale unless and until notice of the terms and conditions applicable to such sale has been given by advertisement in a newspaper circulating in the vicinity and in one newspaper in the City of Edmonton;

- “(c) no offer shall be accepted unless it complies fully with all the terms and conditions set out in the notice of sale;
- “(d) no berth shall be awarded except to the person who makes the highest offer and furnishes an undertaking in writing to the Department to operate annually a properly equipped saw-mill or saw-mills satisfactory to the Minister; and
- “(e) no license for a timber berth shall be offered for sale for a term of more than one year and shall not be renewable after the tenth year from the date of sale.”

10. The said Act is further amended as to section 48 by striking out subsection (1) thereof and substituting therefor the following:

“(1) Subject to the provisions of section 46 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 dimensions described in the license in sufficient quantity to make it commercially valuable, or for the term set out in the notice of sale, and such renewal shall be subject to the payment of such dues and to such terms and conditions as are fixed by the regulations in force at the time such renewal is made.”

11. The said Act is further amended as to section 49 by striking out paragraphs (a) and (b) and by substituting therefor the following:

- “(a) to manufacture each year not less than 75,000 feet board measure of sawn lumber from timber cut off Provincial lands for each square mile or fraction thereof contained in such berth;
- “(b) to pay in advance such annual license fee, fire-guarding charges and ground rent as is fixed by the regulations, together with the tax assessed and payable by the licensee for the current year on such berth pursuant to the provisions of *The Timber Areas Tax Act*, or any Act passed in substitution therefor, 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.”

12. The said Act is further amended as to section 51,—

- (a) by adding at the end of subsection (1) thereof the following new proviso:

“Provided further, however, that in the event of any licensee of a timber berth and any such grantee, lessee or permittee as aforesaid failing to agree upon the amount of such payment to be made to the said licensee, the licensee, grantee, lessee or permittee as the case may be, shall forthwith submit the matter

in dispute to a Judge of the Supreme Court of Alberta for decision, and the said parties shall abide by the decision of the said Judge in respect thereof and by such other directions as the said Judge may see fit to order in respect of the matter in dispute, and every such application shall be subject to and governed by the rules of Court applicable to proceedings by way of originating notice."

- (b) by striking out the words "and the determination of such compensation shall be in a manner to be prescribed by the Minister".

13. The said Act is further amended as to section 52 by adding to paragraph three after the words "similar to licensed berths" the words "together with the tax assessed and payable by the permittee for the current year on such timber permit berth pursuant to the provisions of *The Timber Areas Tax Act* or any Act passed in substitution therefor."

14. The said Act is further amended as to section 56 by striking out the word "seven" where the same occurs therein and by substituting therefor the word "five".

15. The said Act is further amended as to section 68 by striking out the words "the Master in Chambers at Edmonton, or to the Master in Chambers at Calgary" where the same occur in subsection (2) thereof and by substituting therefor the words "a Judge or Local Judge of the Supreme Court in Chambers".

16. The said Act is further amended as to section 91 by striking out the words "upon request made to him by the Minister," where the same occur in subsection (1) thereof.

17. The said Act is further amended as to section 94 by striking out the same and by substituting therefor the following:

"**94.** All licensees of timber berths disposed of on or before the thirtieth day of September, 1930, shall erect and have in operation in connection with the berth not later than the thirty-first day of December, 1939, a properly equipped saw-mill or saw-mills, and failure to erect and operate such mill or mills shall render the license for the berth subject to cancellation by the Minister."

18. The said Act is further amended by inserting therein immediately after section 95a the following new section:

"**95b.** The Minister may, by notice in writing, require any person who is for the time being in the occupation of any Provincial land otherwise than pursuant to a right granted pursuant to this Act, to forthwith cease such occupation and vacate such land, and any such person who does not comply

with such notice forthwith upon the service thereof upon him, shall be guilty of an offence and liable on summary conviction therefor to a fine of not more than one hundred dollars and costs, and in default of payment to imprisonment for a term of sixty days."

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

THIRD SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1937

BILL

An Act to amend The Provincial
Lands Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

EDMONTON:
A. Shnitka, King's Printer
1937