

Bill No. 72 of 1938.

A BILL TO RATIFY A CERTAIN AGREEMENT BETWEEN THE GOVERNMENT OF THE DOMINION OF CANADA AND THE GOVERNMENT OF THE PROVINCE OF ALBERTA.

NOTE.

This Bill approves, ratifies and confirms an agreement entered into between the Government of the Dominion of Canada and the Government of the Province.

This agreement varies the agreement transferring the Natural Resources to the Province, for the purpose of making it clear that the transfer to the Province includes waters and water powers and for the further purpose of enabling the Province to pass legislation for the conservation of oil and gas resources of the Province whether or not such legislation affects the rights of lease holders or license holders from the Dominion.

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. 72 of 1938.

An Act to ratify a certain Agreement between the Government of the Dominion of Canada and the Government of the Province of Alberta.

(Assented to _____, 1938.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. An Agreement dated the fifth day of March, 1938, and made between the Government of the Dominion of Canada, represented therein by the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, of the first part, and the Government of the Province of Alberta, represented therein by the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable Nathan Eldon Tanner, Minister of Lands and Mines, of the second part, and set forth in the Schedule to this Act, is hereby approved, ratified and confirmed.

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

THE SCHEDULE.

MEMORANDUM of Agreement made this fifth day of March, A.D. 1938:

BETWEEN

The Government of the Dominion of Canada,
represented herein by the Honourable Thomas
Alexander Crerar, Minister of Mines and
Resources,

OF THE FIRST PART,

— and —

The Government of the Province of Alberta,
represented herein by the Honourable David
Bertrum Mullen, Minister of Agriculture and
in charge of Water Resources, and the Honour-
able Nathan Eldon Tanner, Minister of Lands
and Mines,

OF THE SECOND PART.

Whereas the Agreement entered into between the parties hereto on the fourteenth day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement), was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an

address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled *The British North America Act, 1930*, being chapter twenty-six of the Imperial Statutes, 20-21 George V;

And whereas by paragraph 24 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

And whereas the said Natural Resources Transfer Agreement came into force, in virtue of a further Agreement between the parties hereto, dated the twenty-ninth day of July, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province, on the first day of October, A.D. 1930;

And whereas the said Natural Resources Transfer Agreement provided for the transfer to the Province of the interest of the Crown in all Crown lands, mines and minerals (precious and base), and the royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals and royalties upon and subject to the terms and conditions therein set forth;

And whereas doubts have been entertained on the part of the Province whether the interest of the Crown in the waters and water-powers within the Province under *The North-West Irrigation Act, 1898*, and *The Dominion Water Power Act*, was transferred to and vested in the Province under the terms of the Natural Resources Transfer Agreement, the same not having been specifically mentioned in the description of the natural resources transferred to the Province as hereinbefore recited, and for the quieting of such doubts, it is expedient that the transfer to the Province of the interest of the Crown in the waters and water-powers aforementioned should be confirmed;

And whereas by paragraph 2 of the said Natural Resources Transfer Agreement the Province agreed that it would carry out, in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;

And whereas it has been agreed between Canada and the said Province that the terms of said paragraph 2 should be modified as herein set out,—

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph 1 of the said Natural Resources Transfer Agreement is amended by inserting after the word "Province" in the sixth line thereof the words "and the interest of the Crown in the waters and water-powers within the Province under *The North-West Irrigation Act, 1898*, and *The Dominion Water Power Act*"; and after the word "royalties" in the seventh line thereof the words "or for interests or rights in or to the use of such waters or water-powers"; and the amendments to said paragraph 1 hereinbefore provided shall have effect, and said paragraph 1 shall be read and construed as if it contained the said amendments, as from the coming into force of the said Natural Resources Transfer Agreement, subject nevertheless to the other provisions of the said Natural Resources Transfer Agreement and to the exception of all such interests in or rights to the use of the waters and water-powers within the Province as continue, in virtue of such provisions, to belong to or to be administrable by the Crown in the right of Canada, and of all sums due or payable for such interests or rights.

2. Paragraph 2 of the said Natural Resources Transfer Agreement is amended by adding at the end thereof the following words:

"or is legislation relating to the conservation of oil resources or gas resources or both by the control or regulation of the production of oil or gas or both, whether by restriction or prohibition and whether generally or with respect to any specified area or any specified well or wells or by repressuring of any oil field, gas field or oil-gas field and, incidentally thereto, providing for the compulsory purchase of any well or wells".

3. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

In witness whereof the Honourable Thomas Alexander Crerar, Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable David Bertrum Mullen, Minister of Agriculture and in charge of Water Resources, and the Honourable

Nathan Eldon Tanner, Minister of Lands and Mines, have hereunto set their hands on behalf of the Province of Alberta.

Signed on behalf of the Government of
Canada by the Honourable Thomas
Alexander Crerar, Minister of Mines
and Resources, in the presence of—

T. A. CRERAR.

W. C. BETHUNE.

Signed on behalf of the Government of
Alberta by the Honourable David
Bertrum Mullen, Minister of Agriculture
and in charge of Water Resources,
and the Honourable Nathan Eldon
Tanner, Minister of Lands and Mines,
in the presence of—

D. B. MULLEN.

N. E. TANNER.

ERNEST C. MANNING.

No. 72.

**SIXTH SESSION
EIGHTH LEGISLATURE**

**1 GEORGE VI
1938**

BILL

An Act to ratify a certain Agreement
between the Government of the
Dominion of Canada and the Gov-
ernment of the Province of Alberta.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

EDMONTON:
A. Shnitka, King's Printer
1938