

BILL

No. 19 of 1940.

An Act to Amend and Consolidate The Metis Population
Betterment Act.

(Assented to _____, 1940.)

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 Metis Population Betterment Act, 1940.*"

2. In this Act, unless the context otherwise requires,—

- (a) "Metis" means a person of mixed white and Indian blood having not less than one-quarter Indian blood, but does not include either an Indian or a non-treaty Indian as defined in The Indian Act, being chapter 98 of the Revised Statutes of Canada, 1927;
- (b) "Minister" means the member of the Executive Council who is for the time being charged with the administration of this Act.

3. The Minister is hereby authorized and empowered to do such acts and things as he may consider proper for the purpose of co-operating with the Board of any Settlement Association formed pursuant to section 4 of this Act in formulating one or more schemes for the purpose of bettering the general welfare of the Metis population of the Province and for the settlement of the members of such Settlement Association on lands set aside for that purpose by the Province.

4.—(1) The Minister is hereby authorized and empowered to promote the formation of one Settlement Association or more composed of members of the Metis population of the Province.

(2) The constitution and by-laws of any such Settlement Association shall prescribe the qualifications for membership in any such Settlement Association and the conditions of membership therein and shall provide that the control of the business and affairs of the Settlement Association shall be in a Board consisting of not more than five persons and shall make provision for the election of the members of the Board and their respective terms of office and the manner in which the activities of the Settlement Association shall be carried on.

(3) The aims and objects of any such Settlement Association shall be to co-operate with the Minister in preparing and formulating schemes for the betterment of the members of such Settlement Association and for their settlement on lands set aside for that purpose of the Province.

(4) The constitution of any such Settlement Association shall be subject to the approval of the Minister, and when it is so approved it shall be binding upon all the members thereof.

(5) The Board of any Settlement Association may alter or amend its constitution only with the approval of the Minister and any such alteration or amendment shall be of no force or effect until the same is approved by the Minister.

5. Every scheme formulated and regulation drafted pursuant to this Act shall be submitted by the Minister to the Lieutenant Governor in Council for approval, and upon the same being so approved, shall become effective.

6. The Lieutenant Governor in Council may at any time and from time to time by order set aside out of any unoccupied Provincial lands as defined in *The Provincial Lands Act*, any area or areas thereof which are deemed to be suitable for the settlement of the members of any Settlement Association formed pursuant to section 4, and withdraw the same from disposal under *The Provincial Lands Act* and make available the said lands for occupation by the members of a Metis Settlement Association until such time as the Lieutenant Governor in Council is satisfied that for any reason whatsoever the lands so set aside and withdrawn from disposal are unsuitable or are not required for the settlement of any members of any such Settlement Association.

7. Notwithstanding anything contained in *The Game Act, 1932*, or any other Act to the contrary, the Lieutenant Governor in Council may by order prohibit the hunting, trapping, killing, or taking of any game bird, big game, fur-bearing animal, or fur-producing animal, as defined in *The Game Act, 1932*, or any designated kind or description thereof, over and upon any lands set aside pursuant to section 6 by any person who is not a member of a designated Settlement Association formed pursuant to this Act, and may make regulations governing the hunting, trapping and killing of any game bird, big game, fur-bearing animal, or fur-producing animal, or any designated kind or description thereof, by any person and prescribing penalties recoverable on summary conviction for a breach of any such regulations not in excess of one hundred dollars and costs.

8. With the approval of the Lieutenant Governor in Council, the Minister is hereby authorized and empowered by order,—

- (a) out of any land set aside pursuant to section 6 of this Act, to allocate any specified lands for occupation by any Settlement Association formed under this Act and the members thereof;
- (b) upon the allocation of any lands for occupation by a Settlement Association, to prohibit persons who are not members of such Settlement Association from occupying such lands, residing, sojourning, hunting, trapping, or fishing thereon, or any part thereof, and to prescribe the terms and conditions under which any such person or class of such persons are permitted to occupy such lands or to reside, sojourn, hunt, trap, or fish thereon;
- (c) to make regulations prescribing the manner and extent in which the right to exclusive occupation of any land which has been allocated for occupation by a Settlement Association shall be assigned to any member of the Settlement Association to which the same has been appropriated; the terms and conditions subject to which such rights shall be enjoyed and the events upon which such rights shall be terminated;
- (d) to make regulations as to the buildings which may be erected upon any land allocated for occupation by a Settlement Association and to prohibit the erection of any buildings in contravention of any such regulations and to provide for the demolition or removal of any building erected in contravention of any such regulation;
- (e) to make regulations prescribing the manner in which and the terms and conditions subject to which any member of a Settlement Association shall acquire any right to trap or hunt on the lands allocated for occupation by a Settlement Association, and the right to fish in any marsh, pond, lake, stream or creek within the boundaries of the land allocated for occupation by a Settlement Association;
- (f) to make regulations as to the use of any part of the land allocated for occupation by a Settlement Association in respect of which no person has the exclusive right of occupation by members of the Settlement Association, and to prohibit the use of any such lands in any manner other than that so prescribed;
- (g) to make regulations as to the cutting of timber on all or any part of the lands allocated for occupation by a Settlement Association and as to the amount which may be cut and the disposition thereof and of the proceeds of the sale thereof and prohibiting the cutting of any timber otherwise than in accordance with such regulations;

- (h) to make regulations as to the running at large of domestic animals on the land allocated for occupation by a Settlement Association and to prescribe the terms and conditions under which any domestic animals may be permitted to run at large upon any such land in respect of which no person has the right of exclusive occupation and prohibiting the running at large of animals in contravention of any such regulations;
- (i) to make regulations prohibiting the use of road allowances which are bounded on both sides thereof by lands allocated for occupation by a Settlement Association by persons who are not members of that Settlement Association, or by any persons who are not in possession of a permit from the Minister allowing him to use the same;
- (j) to make regulations as to any matter or thing not hereinbefore specifically mentioned which have for their purpose the advancement and betterment of any Settlement Association, or any of the members thereof, or the administration of the affairs of any Settlement Association, or of any land allocated to any Settlement Association;
- (k) to prescribe penalties for the breach of any regulations made pursuant to this Act.

9.—(1) Upon the allocation of any lands for occupation by a Settlement Association the Lieutenant Governor in Council may by order constitute the same as an improvement district for the purposes of *The Improvement Districts Act, 1927*, and may by the same or another order declare that all of the provisions of *The Improvement Districts Act, 1927*, or all such provisions except such as are expressly mentioned therein or such of the provisions of the said Act as are expressly mentioned therein to be applicable to such improvement district, and thereupon save and except only as is expressly otherwise provided in this Act, all the provisions so made applicable shall apply to and be in force in such district as if the same had been expressly enacted as a part of this Act.

(2) Upon the constitution of any improvement district pursuant to this section, the Minister shall assign to the same a distinctive number and the title thereof shall be the words "Metis Improvement District" followed by such number as is assigned to it by the Minister.

(3) In relation to any such improvement district all the powers, duties, rights and capacities which are by *The Improvement Districts Act, 1927*, vested in or conferred or imposed upon the Minister of Municipal Affairs or upon the Deputy Minister of Municipal Affairs or upon the Department of Municipal Affairs, shall be vested in, conferred upon and imposed upon the Minister as if the Minister had been named therein wherever the Minister of Municipal

Affairs, the Deputy Minister of Municipal Affairs, or the Department of Municipal Affairs is named therein.

(4) The Lieutenant Governor in Council may by order provide that in respect of all such improvement districts or any such improvement districts as are specified in the order in case default is made in the payment of any tax payable under or by virtue of any provision of *The Improvement Districts Act, 1927*, or of this Act by any person who has any right to occupy any land allocated to a Settlement Association, such right shall in such case cease and determine.

(5) Notwithstanding any provision of *The Improvement Districts Act, 1927*, of *The School Assessment Act, 1931*, of *The Educational Tax Act*, of *The Assessment Act*, or of *The Social Services Tax Act*, or of any other Act providing for the assessment and taxation of land, the interest in land which any member of a Settlement Association has in any land allocated for occupation by such Association by virtue of any right to the exclusive occupation thereof acquired pursuant to any provision of this Act shall not be liable to assessment and taxation under any of the said Acts and in lieu of such liability, every member of the Settlement Association who has for the time being the exclusive right of occupation of any such land shall pay to the Minister in each year by way of a tax, such amount which may include a minimum tax as may be from time to time fixed by order of the Lieutenant Governor in Council, at such time or times and in such manner as may be prescribed by order of the Lieutenant Governor in Council and the Minister shall have the same powers of enforcing payment of all sums so payable which are in arrear as are conferred upon the Minister of Municipal Affairs by *The Improvement Districts Act, 1927*, for enforcing payment of arrears of taxes payable pursuant to that Act which are not charged upon land.

(6) In case the annual revenues of any school district in which are situate any lands which are allocated for the occupation of a Settlement Association are insufficient to defray the annual expenditures incurred by that district, in every such case with the approval of the Lieutenant Governor in Council any such annual deficiency may be paid out of the General Revenue Fund without any further or other appropriation.

10. The Minister may take such measures as he may deem necessary or desirable to bring about the operation of farms upon any land allocated for occupation by a Settlement Association for the betterment of the members of that Settlement Association and may prescribe the manner and extent of the operations to be carried on upon such farm; the persons by whom it is to be managed and the persons who may be employed thereon; the disposition to be made of any produce therefrom; the persons to be benefited thereby and the extent of such benefit for any person or class of persons resident upon the lands allocated for occupation by a Settlement Association.

11. The Minister is hereby empowered to acquire by purchase or otherwise, such farm machinery, farm equipment, live stock, and poultry, as may be required for the operation of any such farm and may permit the use thereof upon any such farm upon such terms and conditions as he thinks proper, or may sell the same to any Settlement Association or may sell the same to any other person at such price and upon such terms as he considers proper.

12. Notwithstanding any provisions of *The Provincial Lands Act*, so long as any lands are set aside pursuant to section 6 of this Act, the timber on such lands shall be reserved for the sole benefit of any Settlement Association to which the lands may be allocated and the members thereof, and shall be dealt with in such manner as may be prescribed by regulations made pursuant to the Act.

13. For all the purposes of *The Prairie Fires Act*, the Chairman of the Board of every Settlement Association shall be *ex officio* the chief fire guardian in respect of the lands allocated for occupation by the Settlement Association, and every member of the Board of a Settlement Association shall be *ex officio* a fire guardian.

14. In the event of the death of a member of a Settlement Association, who at the time of his death had the exclusive right of occupation of any land allocated for occupation by a Settlement Association and who is survived by a husband or wife or by a child or children, who are Metis as defined in this Act, the husband or wife or child or children shall, subject to any regulations made pursuant to this Act, have the right to become a member of the Settlement Association and acquire the right to the exclusive occupation of such land, but such right shall not be deemed to be established until a Certificate permitting the occupancy of the land shall have been issued under authority of the Minister.

15. The Minister is hereby empowered to reserve from any land allocated for occupation by a Settlement Association in respect of which no person has an exclusive right of occupation any specific part for any purpose designated in the Order which is, in the opinion of the Minister, for the benefit of the Settlement Association, or required for the administration of its affairs, and to permit the occupation of such land for such term and upon such conditions as he may deem proper.

16. The Minister is hereby authorized and empowered to cause to be made surveys, inspections, plans and reports as to any lands allocated or intended to be allocated for occupation by a Settlement Association.

17. If any question arises as to whether any person is or is not a Metis for the purpose of this Act, the question

shall be referred to the Minister, who, after making such inquiry into the circumstances as he deems proper, shall decide the question and every decision so made shall be conclusive and there shall be no appeal therefrom.

18.—(1) No person shall take or become entitled to the benefit of any security, charge or lien upon the property of any person who is a member of a Settlement Association who resides on land allocated for occupation by that Association or from any person who is the wife, husband, son or daughter of any such member and who resides with him: and every such security, charge or lien shall be null and void.

(2) No action shall lie against any person mentioned in subsection (1) hereof for the price of any goods sold and delivered to any such person.

(3) Where goods are sold under a valid conditional sale agreement to any person mentioned in subsection (1) hereof, the seller shall have no remedy for enforcing the payment of any money payable under the agreement save and except only the right to seize and sell the goods so sold and no action shall lie against the buyer for the recovery of any money payable under the agreement.

(4) Except in the case of goods referred to in subsection (3), all the personal property of any person mentioned in subsection (1) shall be exempt from seizure under any writ of execution or any attachment or any distress warrant, warrant of attorney, or any other process whether judicial or extra judicial.

(5) This section shall not apply to any charge or lien or indebtedness created by any of the provisions of *The Improvement Districts Act, 1927*, or of this Act in respect of taxes payable under the said Acts or to any proceedings for the enforcement of any such lien, or the collection of such indebtedness.

19.—(1) The Minister is hereby empowered to acquire farm machinery, tools, equipment, and live stock and to permit the use thereof by such member or members of a Settlement Association and upon such terms and conditions as may be prescribed by regulation or if there be no such regulation, by the Minister.

(2) No person shall sell, barter, or dispose of any live stock furnished by the Government of the Province for the use of any Settlement Association or any member or members thereof or the offspring of any such live stock without the written consent of the Minister or of some person designated by the Minister for that purpose.

20.—(1) Any person who contravenes any of the provisions of this Act, or of any regulation made pursuant to this Act for which no penalty is prescribed by the regulations, shall be guilty of an offence and shall be liable on

summary conviction to a fine of not more than thirty dollars and costs, or in default of payment, to imprisonment to a term of not more than thirty days.

(2) Every fine imposed upon any person for the contravention of any regulation made pursuant to this Act shall upon collection be paid to the Minister and be used for the benefit of the Settlement Association in whose area the contravention took place; provided, however, that the Lieutenant Governor in Council may from time to time direct that the same be paid to the Provincial Treasurer for the use of the Province.

21. The Minister is hereby empowered, with the approval of the Lieutenant Governor in Council, to appoint such officers, agents and employees as are from time to time required for the purpose of the administration of this Act, and to prescribe their duties and remuneration.

22. The Orders in Council described in the Schedule to this Act are hereby validated, confirmed and ratified as and from the date upon which each such order was made, and shall be deemed to be Orders in Council passed under the authority of this Act.

23. *The Metis Population Betterment Act*, being chapter 6 of the Statutes of Alberta, 1938 (Second Session), is hereby repealed.

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

SCHEDULE

O.C. No. 1602-38, dated December 21, 1938;
 O.C. No. 1603-38, dated December 21, 1938;
 O.C. No. 1604-38, dated December 21, 1938;
 O.C. No. 1605-38, dated December 21, 1938;
 O.C. No. 302-39, dated March 14, 1939;
 O.C. No. 379-39, dated March 29, 1939;
 O.C. No. 423-39, dated April 11, 1939;
 O.C. No. 448-39, dated April 18, 1939;
 O.C. No. 547-39, dated May 9, 1939;
 O.C. No. 768-39, dated June 22, 1939;
 O.C. No. 815-39, dated June 22, 1939;
 O.C. No. 816-39, dated June 22, 1939;
 O.C. No. 928-39, dated July 15, 1939;
 O.C. No. 1090-39, dated August 16, 1939;
 O.C. No. 1100-39, dated August 21, 1939;
 O.C. No. 1190-39, dated September 12, 1939;
 O.C. No. 1191-39, dated September 12, 1939;
 O.C. No. 1327-39, dated October 3, 1939;
 O.C. No. 1525-39, dated November 14, 1939.
 O.C. No. 18-40, dated January 10, 1940.

NINTH SESSION
EIGHTH LEGISLATURE

4 GEORGE VI
1940

BILL

An Act to Amend and Consolidate
The Metis Population Better-
ment Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.

EDMONTON:
A. Shnitka, King's Printer
1940