

Bill No. 31 of 1943.

A BILL TO AMEND THE PROVINCIAL LANDS ACT.

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NOTE.

Section 1 of the Bill amends section 16 to provide that the lessee of agricultural lands may comply with requirements as to residence if he resides within three miles of his leased land on a farm occupied by the wife or husband of the lessee, as the case may be, or held as owner, purchaser under agreement for sale, lessee, or homestead entrant.

The addition of subsection (5) to section 44 by section 2 of the Bill brings all leases of mineral rights granted by the Dominion Government under the operation of petroleum and natural gas regulations as to drilling requirements now in existence in the Province of Alberta, or which may be brought into effect, so that these leases will be regulated in the same manner as leases now granted under the provisions of The Provincial Lands Act.

The amendment to section 58 by section 3 of the Bill does away with the necessity of a person appearing in person to make a tender for a permit berth.

The amendment to section 108 clarifies the right of the Province to levy against goods and chattels regardless as to whether they are held under a mortgage, lien or other incumbrance, where they are found on lands upon which there is owing rentals and royalties to the Provincial Government, and also makes clear the right of the Province to distrain for moneys owing to the Crown under an agreement for sale of land.

W. S. GRAY,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 31 of 1943.

An Act to amend The Provincial Lands Act.

(Assented to \_\_\_\_\_, 1943.)

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

**1.** *The Provincial Lands Act*, being chapter 62 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 16,—

(a) by striking out paragraph (c) thereof, and by substituting therefor the following:

“(c) that he will within five years after the date of the lease erect upon some part of the leased land a habitable dwelling house of a value of at least two hundred dollars; provided that such erection will not be required where the lessee is permitted to perform the residence requirements on other land in the vicinity of the agricultural lease;”;

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

“(2) Residence by a lessee upon a farm of an area of at least eighty acres, situate within a distance of three miles from the lands comprised in the agricultural lease, in a direct line exclusive of road allowances crossed in the measurement, occupied by the wife or the husband of the lessee, as the case may be, as owner, purchaser under agreement for sale, lessee, or homestead entrant, and, in the event of the death of such wife or husband, as the case may be, continued permanent residence on such farm, may in the discretion of the Minister be accepted as residence upon the agricultural lease.”

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

“(5) Notwithstanding the terms and provisions of any petroleum and natural gas lease now subsisting, made by the Dominion of Canada, the lessee shall, if such drilling would not be in contravention of any regulation made under The Oil and Gas Wells Act, on or before the first day of April, 1944, commence the actual work of drilling a further well on the area leased, and shall carry on continuous drilling operations thereafter in conformity with the petro-

leum and natural gas regulations now and at any time hereafter established by the Lieutenant Governor in Council to govern and regulate the disposal and use of petroleum and natural gas rights the property of the Crown in the right of the Province, including those lands of a class designated as school lands, and to regulate and enforce drilling requirements on the said lands.”

**3.** The said Act is further amended as to section 58 by striking out subsection (2) thereof and by substituting therefor the following:

“(2) No offers by tender shall be accepted unless accompanied by the full amount of the bonus.”

**4.** The said Act is further amended as to section 108 by striking out subsection (1) thereof, and by substituting therefor the following:

“**108.**—(1) Notwithstanding anything in *The Seizures Act* or any other Act to the contrary, in case any default is made in the due payment of any rent or any money payable by way of rent or on account of any dues or royalties, or on account of any purchase price, which are payable to the Crown in the right of the Province under and by virtue of any lease, license, permit, agreement for sale or other instrument made, entered into or issued pursuant to any of the provisions of this Act or of any Act of the Parliament of Canada, then and in every such case and whether the same is demanded or not, the Crown shall have the right to levy the same by distress,—

“(a) in case the sum for which distress is levied is for rent, royalties and dues, or any of them, payable in respect of any mines and minerals, upon all or any of the goods and chattels which shall then be found in, on or about any property which is used or occupied for the purpose of the operation of any mine, or the mining and getting of any minerals, as the case may be, notwithstanding that the same may be subject to any mortgage, lien or other incumbrance, if the mine or minerals are held of the Crown under any lease, license, permit, agreement for sale or other instrument, by the person who is liable for the payment of the sum for which the distress is made or by any other person claiming by, through or under him;

“(b) in all other cases, upon all or any of the goods and chattels which shall then be found upon any land whatsoever which is for the time being owned by or in the occupation of or under the control of the person for the time being liable for the payment of the rent or purchase price in respect of which the distress is levied, notwithstanding that the same may be subject to any mortgage, lien or other incumbrance.”

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

No. 31.

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THIRD SESSION  
NINTH LEGISLATURE

7 GEORGE VI

1943

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**BILL**

An Act to amend The Provincial  
Lands Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. TANNER.

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