

Bill No. 68 of 1944.

A BILL TO AMEND THE ALBERTA FOREST RESERVES ACT.

NOTE.

This Bill amends *The Alberta Forest Reserves Act*, chapter 63, R.S.A., 1942.

The new section 14a enacted by section 1 of the Bill is for the purpose of securing more strict control over persons travelling in reserves, particularly with a view to obviating and lessening fire hazards. Subsection (1) prohibits persons travelling, camping or being in a reserve without a permit or without registering with certain exceptions which are set out in subsection (2). Subsection (3) authorizes the Minister to prohibit in times of extreme fire hazard any person travelling in the reserve even though he may have a permit or have registered. Subsection (4) provides penalties.

The new section 15a enacted by section 2 of the Bill prohibits allowing live stock to graze on reserves without a permit, and further provides for impounding and sale of any live stock so found. Provision is made for the purchaser of live stock at a sale obtaining clear title and for the distribution of the proceeds of the sale after payment of costs to the persons shown to be entitled.

The new section 15b introduces sections similar to those in *The Provincial Lands Act* and authorizes the making of regulations prescribing the conditions under which entry may be made for mining purposes in forest reserves.

Section 19, which is amended by section 3 of the Bill, provides penalties for offences under the Act up to five hundred dollars and costs. The amendment to section 19 is necessary by reason of the different penalties fixed in the new section 14a.

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. 68 of 1944.

An Act to amend The Alberta Forest Reserves Act.

(Assented to _____, 1944.)

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

1. *The Alberta Forest Reserves Act*, being chapter 63 of the Revised Statutes of Alberta, 1942, is hereby amended by adding immediately after section 14 thereof the following new section:

“**14a.**—(1) No person other than a forest officer shall travel, camp or be present in a reserve unless he is the holder of a permit entitling him so to do or unless prior to entering the reserve he has registered at a registration point at an entrance to the reserve.

“(2) The provisions of subsection (1) shall not apply to any person,—

“(a) while travelling upon a public highway established pursuant to the provisions of section 8;

“(b) while travelling upon a railway train or while upon the right-of-way of a railway company in actual operation;

“(c) while travelling on a road, street, lane or track upon which he is authorized to travel by *The Private Streets Act*.

“(3) The Minister may at any time when by reason of acute fire danger he considers it proper so to do, prohibit travelling or camping in a reserve under any circumstances except as authorized by subsection (2) without a special permit, and a notice of such prohibition shall be posted at the point of registration at each entrance to the reserve.

“(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars and costs, or in default of payment to imprisonment for a term not exceeding one month.”

2. The said Act is further amended by adding immediately after section 15 thereof the following new sections:

“**15a.**—(1) Any person who permits or allows any live stock of which he is the owner or over which he has control to graze on any reserve or any part thereof in respect of which he is not the holder of a permit issued under this Act,

shall be liable for the payment to the Minister of an amount equal to treble the amount fixed for the time being by the regulations as the amount payable for the grazing of live stock upon reserves by the holder of a grazing permit issued pursuant to this Act, and in no case shall the amount be less than one dollar, in the case of horses or cattle, for each head thereof, and in the case of sheep, than twenty-five cents for each sheep.

“(2) Any person appointed for the purpose by the Minister may round up, seize and detain any live stock found grazing on any reserve or any part thereof which is not for the time being held under a permit for grazing purposes by the owner of the live stock, and upon so doing such person shall, if the owner is unknown to him, cause the live stock to be offered for sale by public auction and to be sold to the highest bidder, but in case the owner is known to him, he shall send to the owner by mail at his last known post office address, a notice in writing setting out the date of the seizure, a description of the animals seized, the description of the place at which they are kept, and the amount payable in respect thereof; upon the expiration of fifteen days from the date of the mailing of the notice, the Minister, unless the owner has sooner paid to him the amount payable pursuant to subsection (1), together with the costs of rounding up, seizing and detaining the live stock, may cause the same to be offered for sale by public auction and to be sold to the highest bidder.

“(3) Upon any live stock being sold under the provisions of this section, the property therein shall pass to the purchaser and all rights of property which existed therein immediately before the sale shall be extinguished.

“(4) The proceeds of any sale held pursuant to subsection (2) shall be applied firstly in payment of the costs incurred in seizing, rounding up, detaining, offering for sale and selling the live stock, secondly in payment of the sums payable to the Minister in respect thereof pursuant to subsection (1), and the balance shall be held by the Minister for six months and shall be paid over to such persons who may be entitled thereto as make application in writing to the Minister for payment within six months after the day upon which the sale was held, and having regard only to applications so made; and if after the expiration of the period of six months after paying such persons, if any, as have within that period made application for payment, any surplus remains, such balance or surplus, as the case may be, shall be paid into and form part of the General Revenue Fund.

“15b.—(1) The Lieutenant Governor in Council may from time to time make regulations prescribing the conditions under which and the manner in which any person entitled in any way whatsoever to carry on any mining or drilling operations on a reserve with the object of searching for, mining, getting or removing any mines or minerals as defined in *The Provincial Lands Act*, shall exercise any

right of entry, user or taking in respect of the surface of any land of which such person is not entitled to possession, and the method of ascertaining the amount of any compensation to be paid to the Crown or any person having any interest in the surface, the time for payment of the compensation so to be paid, and prohibiting the exercise of any right of entry until the compensation has been paid or until adequate provision has been made for the payment of compensation by the person exercising the right of entry, user or taking.

“(2) In case there is any conflict between the provisions of any regulations made pursuant to this section and anything contained in any lease, license, permit or other instrument, whether made before or after the coming into force of this Act, with respect to the right of entry, user or taking of the surface of any land incidental to any mining or drilling operations as aforesaid, the provisions of the regulations shall prevail.”

3. The said Act is further amended as to section 19 by adding immediately after the word “hereunder”, where the same occurs therein, the words “for which no penalty is herein otherwise provided”.

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

No. 68.

FOURTH SESSION
NINTH LEGISLATURE

8 GEORGE VI

1944

BILL

An Act to amend The Alberta Forest
Reserves Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

EDMONTON:
A. Shnitka, King's Printer
1944