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~~No 49 of 1951~~

IN THE PRIVY COUNCIL
ON APPEAL FROM THE SUPREME COURT OF ALBERTA
(APPELLATE DIVISION)

BETWEEN:

THE ATTORNEY GENERAL FOR THE PROVINCE
OF ALBERTA,

(Defendant) Appellant

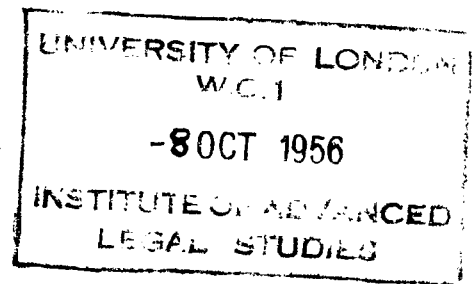
- and -

WEST CANADIAN COLLIERIES LIMITED,
INTERNATIONAL COAL & COKE COMPANY
LIMITED, MCGILLIVRAY CREEK COAL &
COKE COMPANY LIMITED, HILLCREST
MOHAWK COLLIERIES LIMITED, CADOMIN
COAL COMPANY LIMITED, and BRAZEAU
COLLIERIES LIMITED,

(Plaintiffs) Respondents

APPENDIX OF STATUTES

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BETWEEN:

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(Plaintiffs) Respondents.

APPENDIX OF STATUTES

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APPENDIX OF STATUTES on WEST CANADIAN COLLIERIES

Dominion Lands Act, Revised Statutes of Canada, 1886, Chapter 54.
s. 47, 55, 90 and 91.

"47. Lands containing coal or other minerals, whether in surveyed or unsurveyed territory, shall not be subject to the provisions of this Act respecting sale or homestead entry, but shall be disposed of in such manner and on such terms and conditions as are, from time to time, fixed by the Governor in Council, by regulations made in that behalf."

"55. Whenever a patent has been issued to, or in the name of a wrong person, or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister may, there being no adverse claim, direct the defective patent to be cancelled and a correct one to be issued in its stead - which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent."

"90. The Governor in Council may -

- (a) Withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians;
- (b) Reserve from general sale and settlement, Dominion lands to such an extent as is required to aid in the construction of railways in Manitoba or in the Territories owned by Canada, and provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as are deemed expedient;
- (c) Make a free grant of land, not exceeding in extent six thousand four hundred acres for each mile of railway within Manitoba, and not exceeding in extent twelve thousand eight hundred acres for each mile in the North-West Territories, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson's Bay;
- (d) Grant to the promoters of works undertaken with a view of draining and reclaiming swamp lands, for the purpose of encouraging such works, remuneration in the way of grants of the lands so reclaimed, or of such portions thereof as are deemed fair and reasonable;
- (e) Grant land - not in any case exceeding in extent one section and one half section - to any person who will establish and keep in operation thereon, for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, having, during that period, an average attendance of thirty pupils, and otherwise meeting the approval of the Minister;

(f) Grant lands, in satisfaction of any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories, outside of the limits of Manitoba, previous to the fifteenth day of July, one thousand eight hundred and seventy, to such persons, to such extent, and on such terms and conditions as are deemed expedient;

(g) Investigate and adjust claims preferred to Dominion lands situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, one thousand eight hundred and seventy, and grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to the said date, and being, by their own residence or that of their servants, tenants or agents, or of those through whom they claim, in actual peaceable possession thereof at the said date, so much land in satisfaction of such claims as is considered fair and reasonable, but not exceeding in any case one quarter section, unless there has been cultivation of more than that area;

(h) Make such orders as are deemed necessary, from time to time to carry out the provisions of this Act according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make and declare any regulations which are considered necessary to give the provisions in this clause contained full effect; and, from time to time, alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead;

(i) Impose penalties not exceeding two hundred dollars, or not exceeding three months imprisonment, for violation of any regulations under this Act;

(j) Provide that any statement or return required to be made by such regulations, shall be verified on oath.

"91. Every order or regulation made by the Governor in Council, in virtue of the provisions of the next preceding clause, or of any other clause of this Act, shall, unless otherwise specially provided in this Act, have force and effect only after the same has been published for four successive weeks in the Canada Gazette; and all such orders or regulations shall be laid before both Houses of Parliament, within the first fifteen days of the session next after the date thereof."

Dominion Lands Act, Statutes of Canada, 1892, Ch. 15, s. 5.

"5. Clause forty-seven of the said Act is hereby repealed, and the following substituted therefor:-

'47. Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor General in Council may, from time to time, make regulations for the working and development of mines on such lands, and for the sale, leasing, licensing or other disposal thereof: Provided, however, that no disposition of mines or mining interests in the said park shall be for a longer period than twenty years, renewable, in the discretion of the Governor in Council, from time to time, for further periods of twenty years each, and not exceeding in all sixty years.'"

Dominion Lands Act, Revised Statutes of Canada, 1906, Ch. 55, s. 6. 8, 159 and 203.

"6. The Governor in Council may, -

(a) withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians;

(b) reserve from general sale and settlement, Dominion lands to such an extent as is required to aid in the construction of railways in the provinces of Manitoba, Saskatchewan and Alberta, or in the Territories of Canada, and provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as are deemed expedient;

(c) make a free grant of land, not exceeding in extent six thousand four hundred acres for each mile of railway within Manitoba, and not exceeding in extent twelve thousand eight hundred acres for each mile beyond the limits of Manitoba, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson Bay;

(d) grant to the promoters of works undertaken with a view of draining and reclaiming swamp lands for the purpose of encouraging such works, remuneration in the way of grants of the lands so reclaimed, or of such portions thereof as is deemed fair and reasonable;

(e) grant land - not in any case exceeding in extent one section and one-half section - to any person who will establish and keep in operation thereon, for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, having, during that period, an average attendance of thirty pupils, and otherwise meeting the approval of the Minister;

(f) grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title;

(g) upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily establishing undisturbed occupation of any lands within such territory or tract on the first day of January, one thousand eight hundred and ninety-nine, and who were at that time, by their own residence or that of their servants, tenants or

agents, in actual peaceable possession thereof, free grants of such lands, provided that not more than one hundred and sixty acres shall be so granted to any one person;

(h) investigate and adjust claims preferred to Dominion lands situate outside of the province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, one thousand eight hundred and seventy, and grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to the said date, and being by their own residence, or that of those through whom they claim, or that of their servants, tenants or agents, in actual peaceable possession thereof at the said date, so much land in satisfaction of such claims as is considered fair and reasonable, but not exceeding in any case one quarter section, unless there has been cultivation of more than that area;

(i) make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act, according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make and declare any regulations which are considered necessary to give the provisions in this section contained full effect; and, from time to time, alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead;

(j) impose penalties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act;

(k) provide that any statement or return required to be made by such regulations, shall be verified on oath."

"8. Every order or regulation made by the Governor in Council, in virtue of the provisions of this Act, shall, unless herein otherwise specially provided, have force and effect only after the same has been published for four successive weeks in the Canada Gazette; and all such orders or regulations shall be laid before both Houses of Parliament, within the first fifteen days of the session next after the date thereof."

"159. Lands containing coal or other minerals, including lands in the Rocky Mountains Park, shall not be subject to the provisions of this Act respecting sale or homestead entry, but the Governor in Council may, from time to time, make regulations for the working and development of mines, on such lands, and for the sale, leasing, licensing or other disposal thereof."

"203. Whenever a patent has been issued to, or in the name of a wrong person, or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister may, there being no adverse claim, direct the defective patent to be cancelled and a correct one to be issued in its stead, which correct patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent."

Dominion Lands Act, Statutes of Canada, 1908, Ch. 20, s. 37, 76, 77 and 92.

"37. Lands containing salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals may be sold or leased under regulations made by the Governor in Council: and these regulations may provide for the disposal of mining rights underneath lands acquired or held as agricultural, grazing or hay lands, or any other lands held as to the surface only, but provision shall be made for the protection and compensation of the holders of the surface rights, in so far as they may be affected under these regulations."

"76. The Governor in Council may -

(a) withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or may be reserved for Indians;

(b) grant lands in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title;

(c) upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily establishing undisturbed occupation of any lands within the said territory or tract at the date of such extinguishment, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of the said lands, provided that an area not more than equal to a quarter-section shall be so granted to any one person unless there has been cultivation of more than that area;

(d) set apart and appropriate lands for the sites of places of public worship, burial grounds, schools and benevolent institutions, and for other public purposes, and, at any time before the issue of letters patent therefor, alter or revoke such appropriations; and make free grants for the purposes aforesaid, of the lands so appropriated, the trusts and uses to which they are to be subject being expressed in the letters patent;

(e) withdraw from disposal under this Act any tract or tracts of land, provided that the reason for withdrawal shall be set forth in the order effecting the withdrawal;

(f) authorize an exchange of lands with any province, corporation or person, provided the reason for such exchange shall be set forth in the order;

(g) in connection with any question in respect to Dominion lands, authorize any person or persons to summon before him or them, any person, by subpoena issued by him or them, examine such person under oath, and compel the production of papers and writings before him or them; and if any person duly summoned neglects or refuses to appear at the time and place specified in the subpoena, legally served upon him or refuses to give evidence or to produce the papers or writings demanded of him, the person or persons so authorized may, by warrant, under his or their hand or hands, cause such person, so neglecting or refusing, to be taken into custody and to be imprisoned in the nearest common gaol, as for contempt of court, for a term not exceeding fourteen days;

(h) appoint a Commissioner of Dominion Lands, a Deputy Commissioner and local agents, and define the duties of such Commissioner, Deputy Commissioner and local agents;

(i) provide that any statement or return required by this Act or by any regulations made under it shall be verified on oath;

(j) provide for the taking of the oath of allegiance and of the oath of office by any person employed in connection with the administration, management, sale or settlement of Dominion lands;

(k) make such orders as are deemed necessary to carry out the provisions of this Act, according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make any regulations which are considered necessary to give the provisions of this section full effect;

(l) in case an entrant for a homestead who has faithfully and to the best of his ability endeavoured to perform the duties required of him, but who, for some unpreventable cause or physical incapacity, has failed to complete those duties, or who, through some technicality, is held to have failed in fulfilling the requirements of this Act, but yet has a moral or equitable claim entitling him to consideration, order the sale of the homestead to the said entrant at a price not less than one dollar per acre."

"77. Every regulation made by the Governor in Council, in virtue of the provisions of this Act, and every order made by the Governor in Council authorizing the sale of any land or the granting of any interest therein, shall have force and effect only after it has been published for four consecutive weeks in The Canada Gazette, and all such orders or regulations shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof, and such regulations shall remain in force until the day immediately succeeding the day of prorogation of that session of Parliament, and no longer, unless during that session they are approved by resolution of both Houses of Parliament."

"92. If letters patent have issued to, or in the name of, a wrong person, or contain any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or if there is in them an omission of the conditions of the grant, the Minister may, there being no adverse claim, direct the defective letters patent to be cancelled and correct letters patent to be issued instead thereof, which correct letters patent shall relate back to the date of the letters patent so cancelled and have the same force and effect as if issued at the date of such cancelled letters patent."

Dominion Lands Act, Statutes of Canada, 1914, Ch. 27, s. 8.

"8. Section 37 of the said Act is amended by striking out the words 'sold or' in the second line thereof, and by striking out the word 'disposal', in the fourth line thereof, and substituting therefor the word 'leasing'."

The Alberta Natural Resources Act, Statutes of Alberta, 1930,
Ch. 21, Preamble and sections 1, 2, 3 and 4 of Memorandum of
Agreement.

"WHEREAS by section 21 of The Alberta Act, being chapter 3 of four and five Edward the Seventh, it was provided that 'All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the Province under The North-West Irrigation Act, 1898, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act which shall apply to the said Province with the substitution therein of the said Province for the North-West Territories;'

AND WHEREAS it is desirable that the Province should be placed in a position of equality with the other provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1905;

AND WHEREAS it has been agreed between Canada and the said Province that the provisions of The Alberta Act should be modified as herein set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH:

TRANSFER OF PUBLIC LANDS GENERALLY.

1. In order that the Province may be in the same position as the original provinces of Confederation are in virtue of section 109 of The British North America Act, 1867, the interest of the Crown in all Crown lands, mines, minerals (precious and base) and royalties derived therefrom within the Province, and all sums due or payable for such lands, mines, minerals or royalties, shall, from and after the coming into force of this Agreement and subject as therein otherwise provided, belong to the Province, subject to any trusts existing in respect thereof, and to any interest other than that of the Crown in the same, and the said lands, mines, minerals and royalties shall be administered by the Province for the purposes thereof, subject, until the Legislature of the Province otherwise provides, to the provisions of any Act of the Parliament of Canada relating to such administration; any payment received by Canada in respect of any such lands, mines, minerals or royalties before the coming into force of this Agreement shall continue to belong to Canada whether paid in advance or otherwise it being

the intention that, except as herein otherwise specially provided, Canada shall not be liable to account to the Province for any payment made in respect of any of the said lands, mines, minerals, or royalties before the coming into force of this Agreement, and that the Province shall not be liable to account to Canada for any such payment made thereafter.

2. The Province will 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 has become entitled to any interest therein as against the Crown, and further agrees 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 may be the parties thereto.

3. Any power or right, which, by any such contract, lease or other arrangements, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time, and until otherwise directed, may be exercised by the Provincial Secretary of the Province.

4. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or order in council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, work-shops, buildings, yards, ballast pits or other appurtenances."

The Administration of Natural Resources (Temporary) Act, Statutes of Alberta, 1930, Ch. 22.

"AN ACT TO PROVIDE FOR THE ADMINISTRATION
OF THE PROVINCIAL NATURAL RESOURCES.

(Assented to April 3, 1930.)

"WHEREAS by a memorandum of agreement made the 14th day of December, 1929, between the Government of the Dominion

Preamble

of Canada and the Government of the Province of Alberta, it was agreed that certain lands, mines, minerals and royalties mentioned therein (hereinafter called 'the transferred property') should be transferred to and administered by the Province for the purposes thereof, subject, until the Legislature of the Province should otherwise provide, to the provisions of any Act of the Parliament of Canada relating to such administration; and

Whereas it was thereby further agreed that any power or right which by any Act of the Parliament of Canada relating to any of the transferred property or by any regulation made under such Act was reserved to the Governor in Council or to the Minister of the Interior or to any other officer of the Government of Canada might be exercised by such officer of the Government of the Province as might be specified by the Legislature thereof from time to time, and until otherwise directed might be exercised by the Provincial Secretary of the Province; and

Whereas it was thereby further agreed that the agreement should take effect on the first day of the calendar month beginning next after the day upon which His Majesty should give his assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same, which day is hereinafter referred to as 'the appointed day';

Now, therefore, 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 Administration of Natural Resources (Temporary) Act.' Short title

PART I.

2. From and after the appointed day the Acts contained in schedule A to this Act (hereinafter referred to as 'the scheduled Acts') shall, insofar as the terms thereof are within the legislative capacity of the Province and insofar as they apply to the transferred property, have force in the Province as if they had been originally passed by the Legislature of the same, subject, however, to the conditions, restrictions and limitations hereinafter contained. Application of Acts in Schedule A

3. Reference in any scheduled Act to any corporation, person, Act or thing, mentioned in the first column of schedule B of this Act, shall be deemed to be a reference to the corporation, person, Act or thing set out opposite thereto in the second column of the said schedule.

4.- (1) The Lieutenant Governor in Council shall have power by Order to declare that any part or parts of any scheduled Act or any regulation or regulations made thereunder shall cease to have any effect, and to make such rules in substitution for any such repealed part or regulation, or by way of addition to any of the scheduled Acts or regulations made thereunder as may seem to him to be best calculated to effect a proper administration of the transferred property.

Repeal of any Act in schedule by Order in Council

(2) All such Orders shall be published in The Alberta Gazette.

Publication of Order in Council

(3) Every such Order shall be laid upon the table of the Legislative Assembly at its first session after the date thereof, and, unless and until the same is disallowed by resolution of the Legislative Assembly, shall have the same effect as if set out in this Act.

Submission of Order in Council to Legislative Assembly

PART II.

5.- (1) The Lieutenant Governor may by order establish a Department of the Public Service of the Province under such title as may be given thereto in such order, over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Province shall preside, under such title as may be given to him by the Lieutenant Governor.

Establishment of Department

(2) The member of the Executive Council so appointed shall have the administration and management of the transferred property or of such part thereof as may be entrusted to him by the Lieutenant Governor in Council.

Administration

(3) The Lieutenant Governor in Council may appoint a deputy minister of the Department and such inspectors, clerks, assistants and other officers as may from time to time be required and provide for the remuneration of the same and such deputy minister, inspectors, clerks, assistants and other officers shall do and perform all such acts and things relating to the business of the Department as they may be from time to time directed to do and perform by the Minister.

Deputy Minister etc.

6. This Act shall come into force upon a date to be fixed by Proclamation of the Lieutenant Governor in Council.

Coming into force of Act

SCHEDULE A.

Schedule A

The Fisheries Act, R.S.C., c. 73;
The Dominion Forest Reserves and Parks Act, R.S.C.,
c. 78;
The Dominion Lands Act, R.S.C., c. 113;

The Dominion Lands Surveys Act, R.S.C., c. 117;
The Dominion Water Power Act, R.S.C., c. 210;
and such other Acts of the Dominion of Canada or parts
thereof, relating to the transferred property as may be
declared by Order in Council to be in force in the Province.

SCHEDULE B.

Schedule B

Governor General	Lieutenant Governor
Governor in Council	Lieutenant Governor in Council
Dominion Lands	Lands of the Province
House of Parliament	Legislative Assembly
Surveyor General	The proper officer appointed by the Lieutenant Governor in Council
Minister	The Minister to whom the duty is delegated by the Lieutenant Governor in Council
Ottawa	Edmonton
Department of Interior	The Department to which the duty is delegated by the Lieutenant Governor in Council
Secretary of State for Canada	The Provincial Secretary
Director of Forestry	The proper officer appointed by the Lieutenant Governor in Council
The Expropriation Act	The Public Works Act
Dominion Land Surveyor	Dominion Land Surveyor or Alberta Land Surveyor

Order in Council No. 1096/30, dated the 1st day of October, 1930.
Alberta Official Gazette, Vol. 26, page 577.

"REGULATIONS PURSUANT TO THE ADMINISTRATION OF
NATURAL RESOURCES (TEMPORARY) ACT AND THE
IRRIGATION ACT

Edmonton, Wednesday, October 1, 1930.

His Honour the Lieutenant Governor, by and with the advice
of the Executive Council, has been pleased to order (pursuant
to the provisions of The Administration of Natural Resources
(Temporary) Act, being Chapter 22 of the Statutes of Alberta,
1930) that all regulations duly made pursuant to the statutes
mentioned in Schedule A of the said The Administration of
Natural Resources (Temporary) Act, and pursuant to The
Irrigation Act, in force as at the Thirtieth day of September,

1930, be and are hereby continued as and from the First day of October, 1930, as the regulations under the said several statutes mentioned in the said Schedule and remain in force in the Province until further order.

JOHN D. HUNT.
Clerk of the Executive Council."

The Provincial Lands Act, Statutes of Alberta, 1931, Ch. 43. (Proclaimed June 18th, 1931) Sections 39, 72, 73 and 97.

"39. -(1) Lands containing any minerals, together with the right to win, work and get the same, may be leased in such manner as may be prescribed by regulations made by the Lieutenant Governor in Council; and the regulations may provide for the leasing of mining rights underneath lands acquired or held as agricultural, grazing, or hay lands, or any other lands held as to the surface only, but provision shall be made for the protection and compensation of the holders of the surface rights, in so far as they may be affected under the regulations.

"(2) 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 with the object of searching for, mining, getting or removing any minerals shall exercise any right of entry, user or taking in respect of the surface of any land which is not the property of such person and the method of ascertaining the amount of any compensation to be paid to the persons having any interest in the surface, the time for payment of the compensation so to be paid, and prohibiting the exercise of any such right of entry until such compensation has been paid or until adequate provision has been made for the payment of compensation by the person exercising such right of entry, user or taking.

"(3) In case there is any conflict between the provisions of any regulations made pursuant to this section and anything contained in any Statute or in any grant, conveyance, lease, license or other instrument, whether made before or after the coming into force of this Act, whereby 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 such regulations shall prevail.

"(4) Any person who, in the exercise of any such right of entry, taking or user as aforesaid, enters upon, takes or uses any of the surface of any land in contravention of any of the provisions of any regulation made pursuant to this section shall be deemed to have thereby committed a trespass

and shall be liable in damages or otherwise for such trespass to any person who is the owner or entitled to the possession of the surface of such land."

"72. -(1) The Lieutenant Governor in Council may -

(a) exchange any Provincial lands for other lands in the Province, with any person or corporation:

Provided the reason for such exchange shall be set forth in the Order;

- (b) set aside out of the unoccupied Provincial lands transferred to the Province under the Agreement of Transfer, such areas as the Superintendent General of Indian Affairs in agreement with the Minister may select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province;
- (c) set aside Provincial lands for use as Provincial parks, forest reserves, game reserves, bird sanctuaries, public shooting grounds, or public resorts;
- (d) set aside Provincial lands for the sites of wharves or piers, airports, market places, gaols, court houses, public parks or gardens, historic sites, town halls, hospitals, places of worship, burying grounds, or schools, and for purposes of agricultural exhibitions, and for other similar public purposes, or for model and industrial farms, upon such terms and conditions as may be prescribed, and at any time before the issue of a notification therefor alter or revoke the same;
- (e) authorize the acquisition by any railway, power or tramway company upon and subject to any terms and conditions that may be deemed proper, of a right-of-way or roadbed through Provincial lands, together with such other Provincial lands as may be necessary for stations, station grounds, work-shops, buildings, yards, ballast pit, or other appurtenances of the company, as he may consider advisable;
- (f) transfer for such consideration as he may fix to persons engaged in any project of draining and reclaiming swamp lands, the lands so reclaimed or a portion thereof;
- (g) set aside Provincial lands suitable or required for the purposes of a harbor, landing, bridge site, airport, railway terminus, or station or townsite; any lands so set aside shall only be disposed of on such terms and subject to such conditions as are in each case fixed by the Lieutenant Governor in Council;
- (h) withdraw from disposal under this Act any Provincial lands for reasons which shall be set forth in the Order effecting the withdrawal; any lands so withdrawn shall only be disposed of on such terms and subject to such conditions as the Lieutenant Governor in Council may in each case prescribe:

Provided that at any time on being satisfied that there is no longer reason for continuing the withdrawal

of any Provincial lands from disposition under this Act, and after reasonable notice given, he may cancel the withdrawal and declare the land open for disposition under this Act;

- (i) provide that any statement or return required by this Act or by any regulations made under it shall be verified on oath;
- (j) in connection with any question in respect to Provincial lands, whether such question arises before or after the issue of a Certificate of Title therefor, appoint any person or persons to enquire into such question and any person or persons so appointed shall have all the powers which are or may be conferred upon a commissioner pursuant to The Public Enquiries Act;
- (k) divide the Province into districts and prescribe the time when and the conditions upon which Provincial lands in any district or any part thereof shall be thrown open for disposition or settlement;
- (l) from time to time make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent, or to carry out the Agreement of Transfer, or to meet cases which may arise and for which no provision is made by this Act;
- (m) establish a tariff of fees for all copies of maps, plans, field notes, documents, papers or other records of the Department of Lands and Mines, and for the registration of assignments therein;
- (n) make regulations as are within the legislative competence of the Province for the control and operation of any vessel whatsoever upon any lake, river, stream, or body of water, and without derogating from the generality of the foregoing include every description of ship, boat or craft of any kind whether propelled by steam, internal combustion engine, or otherwise, including everything forming part of the machinery or equipment of such vessel.

(2) For the purpose of implementing any obligation affecting any lands vested in His Majesty in the right of the Province by virtue of the Agreement of Transfer, which, by the terms of the said agreement, the Province is bound to perform, the Lieutenant Governor in Council is empowered to do or cause to be done all or any acts and things, and to make any disposition of the said lands for the purpose aforesaid, and, to the extent only that it may be necessary for effecting such purpose, to depart from or vary any other provision of this Act.

"73. -(1) Regulations made by the Lieutenant Governor in Council pursuant to this Act shall be published in The Alberta Gazette and thereupon shall have the same force and effect as if the same had been enacted by this Act.

(2) All such regulations shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof next after the due publication thereof in The Alberta Gazette.

(3) A return shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof as to all Orders in Council authorizing the sale or any disposition of land in the preceding fiscal year, setting out the number and date of the Order in Council, a short description of the land, the name of the grantee, and the consideration for the disposition."

"97. The Dominion Lands Act which had force in the Province pursuant to The Administration of Natural Resources (Temporary) Act, shall cease to be in force in the Province."

The Provincial Lands Act, Statutes of Alberta, 1939, Ch. 10, sections 42, 75 and 76.

"42. -(1) Provincial lands containing any minerals, together with the right to win, work and get the same, may be leased in such manner as may be prescribed by regulations made by the Lieutenant Governor in Council; and the regulations may provide for the leasing of mining rights underneath Provincial lands acquired or held as agricultural, grazing, or hay lands, or any other lands held as to the surface only, but provision shall be made for the protection and compensation of the holders of the surface rights, in so far as they may be affected under the regulations.

(2) 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 with the object of searching for, mining, getting or removing any minerals shall exercise any right of entry, user or taking in respect of the surface of any land which is not the property of such person and the method of ascertaining the amount of any compensation to be paid to the persons having any interest in the surface, the time for payment of the compensation so to be paid, and prohibiting the exercise of any such right of entry until such compensation has been paid or until adequate provision has been made for the payment of compensation by the person exercising such right of entry, user or taking.

(3) In case there is any conflict between the provisions of any regulations made pursuant to this section and anything contained in any Statute or in any grant, conveyance, lease, license or other instrument, whether made before or after the coming into force of this Act, whereby 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 such regulations shall prevail.

(4) Any person who, in the exercise of any such right of entry, taking or user as aforesaid, enters upon, takes or uses any of the surface of any land in contravention of any of the provisions of any regulation made pursuant to this section shall be deemed to have thereby committed a trespass and shall be liable in damages or otherwise for such trespass to any person who is the owner or entitled to the possession of the surface of such land."

"75. -(1) The Lieutenant Governor in Council may,-

- (a) exchange any Provincial lands for other lands in the Province, with any person or corporation;
 Provided the reason for such exchange shall be set forth in the Order;
- (b) set aside out of the unoccupied Provincial lands transferred to the Province under the Agreement of Transfer, such areas as the Superintendent General of Indian Affairs in agreement with the Minister may select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province;
- (c) set aside Provincial lands for use as Provincial parks, forest reserves, game reserves, bird sanctuaries, public shooting grounds, or public resorts;
- (d) with the approval of the Dominion of Canada, lease bird sanctuaries to any company or organization incorporated for the purpose of protecting the migratory wild fowl, on such terms and conditions as may be prescribed;
- (e) set aside Provincial lands for the sites of wharves or piers, airports, market places, gaols, court houses, public parks or gardens, historic sites, town halls, hospitals, places of worship, burying grounds, or schools, and for purposes of agricultural exhibitions, and for other similar public purposes, or for model and industrial farms, upon such terms and conditions as may be prescribed, and at any time alter or revoke the same;
- (f) authorize the acquisition by any railway, power or tramway company upon and subject to any terms and conditions that may be deemed proper, of a right-of-way or roadbed through Provincial lands, together with such other Provincial lands as may be necessary for stations, station grounds, workshops, buildings, yards, ballast pit, or other appurtenances of the company, as he may consider advisable;
- (g) transfer for such consideration as he may fix to persons engaged in any project of draining and reclaiming swamp lands, the lands so reclaimed or a portion thereof;
- (h) set aside Provincial lands suitable or required for the purposes of a harbour, landing, bridge site, airport, railway terminus, or station or townsite; any lands so set aside shall only be disposed of on such terms and subject to such conditions as are

in each case fixed by the Lieutenant Governor in Council;

- (i) withdraw from disposal under this Act any Provincial lands for reasons which shall be set forth in the Order effecting the withdrawal; any lands so withdrawn shall only be disposed of on such terms and subject to such conditions as the Lieutenant Governor in Council may in each case prescribe;
Provided that at any time on being satisfied that there is no longer reason for continuing the withdrawal of any Provincial lands from disposition under this Act, and after reasonable notice given, he may cancel the withdrawal and declare the land open for disposition under this Act;
- (j) provide that any statement or return required by this Act or by any regulations made under it shall be verified on oath;
- (k) in connection with any question in respect to Provincial lands, whether such question arises before or after the issue of a Certificate of Title therefor, appoint any person or persons to enquire into such question and any person or persons so appointed shall have all the powers which are or may be conferred upon a commissioner pursuant to The Public Enquiries Act;
- (l) divide the Province into districts and prescribe the time when and the conditions upon which the Provincial lands in any district or any part thereof shall be thrown open for disposition or settlement;
- (m) from time to time make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent, or to carry out the Agreement of Transfer, or to meet cases which may arise and for which no provision is made by this Act;
- (n) establish a tariff of fees for all copies of maps, plans, field notes, documents, papers or other records of the Department of Lands and Mines, and for the registration of assignments therein;
- (o) reinstate any sale, lease, license or permit that may have been cancelled or forfeited upon such terms and conditions as may be prescribed;
- (p) withhold from leasing any agricultural land situate in a remote district, or any land of doubtful classification of the soil;
- (q) make regulations for the preservation by lessees in wooded, park land or brush covered areas of sufficient of the growing timber for shade and shelter in fire-breaks or clumps, or plantations for future timber supply;
- (r) make regulations as are within the legislative competence of the Province for the control and operation of any vessel whatsoever upon any lake, river, stream, or body of water, and without derogating from the generality of the foregoing include every description

of ship, boat or craft of any kind whether propelled by steam, internal combustion engine, or otherwise, including everything forming part of the machinery or equipment of such vessel;

- (s) make regulations for the sale or leasing of any vacant lands for residential purposes or for any other purpose which is deemed to be in the public interest.

(2) For the purpose of implementing any obligation affecting any lands vested in His Majesty in the right of the Province by virtue of the Agreement of Transfer, which, by the terms of the said agreement, the Province is bound to perform, the Lieutenant Governor in Council is empowered to do or cause to be done all or any acts and things, and to make any disposition of the said lands for the purpose aforesaid, and, to the extent only that it may be necessary for effecting such purpose, to depart from or vary any other provision of this Act.

"76. -(1) Regulations made by the Lieutenant Governor in Council pursuant to this Act shall be published in The Alberta Gazette and thereupon shall have the same force and effect as if the same had been enacted by this Act.

(2) All such regulations shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof next after the due publication thereof in The Alberta Gazette."

The Provincial Lands Act, Revised Statutes of Alberta, 1942, Ch. 62, sections 44, 78, 79 and 83.

"44. -(1) Provincial lands containing any minerals, together with the right to win, work and get the same, may be leased in such manner as may be prescribed by regulations made by the Lieutenant Governor in Council; and the regulations may provide for the leasing of mining rights underneath Provincial lands acquired or held as agricultural, grazing, or hay lands, or any other lands held as to the surface only.

(2) 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 with the object of searching for, mining, getting or removing any minerals shall exercise any right of entry, user or taking in respect of the surface of any land which is not the property of such person and the method of ascertaining the amount of any compensation to be paid to the persons 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.

(3) In case there is any conflict between the provisions of any regulations made pursuant to this section and anything contained in any grant, conveyance, lease, license 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.

(4) Any person who, in the exercise of any such right of entry, taking or user as aforesaid, enters upon, takes or uses any of the surface of any land in contravention of any of the provisions of any regulation made pursuant to this section shall be deemed to have thereby committed a trespass and shall be liable in damages or otherwise for the trespass to any person who is the owner or entitled to the possession of the surface of the land."

"78. -(1) The Lieutenant Governor in Council may,-

(a) exchange any Provincial lands for other lands in the Province, with any person or corporation:

Provided the reason for the exchange shall be set forth in the Order;

- (b) set aside out of the unoccupied Provincial lands transferred to the Province under the Agreement of Transfer, such areas as the Superintendent General of Indian Affairs in agreement with the Minister may select as necessary to enable Canada to fulfil its obligations under the treaties with the Indians of the Province;
- (c) set aside Provincial lands for use as Provincial parks, forest reserves, game reserves, bird sanctuaries, public shooting grounds, or public resorts;
- (d) with the approval of the Dominion of Canada, lease bird sanctuaries to any company or organization incorporated for the purpose of protecting the migratory wild fowl, on such terms and conditions as may be prescribed;
- (e) set aside Provincial lands for the sites of wharves or piers, airports, market places, gaols, court houses, public parks or gardens, historic sites, town halls, hospitals, places of worship, burying grounds, or schools, and for purposes of agricultural exhibitions, and for other similar public purposes, or for model and industrial farms, upon such terms and conditions as may be prescribed, and at any time alter or revoke the same;
- (f) authorize the acquisition by any railway, power or tramway company upon and subject to any terms and conditions that may be deemed proper, of a right-of-way or roadbed through Provincial lands, together with such other Provincial lands as may be necessary for stations, station grounds, work-shops, buildings, yards, ballast pit, or other appurtenances of the company, as he may consider advisable;

- (g) transfer for such consideration as he may fix to persons engaged in any project of draining and reclaiming swamp lands, the lands so reclaimed or a portion thereof;
- (h) set aside Provincial lands suitable or required for the purposes of a harbour, landing, bridge site, airport, railway terminus, or station or townsite; any lands so set aside shall be disposed of only on such terms and subject to such conditions as are in each case fixed by the Lieutenant Governor in Council;
- (i) withdraw from disposal under this Act any Provincial lands for reasons which shall be set forth in the Order effecting the withdrawal; any lands so withdrawn shall be disposed of only on such terms and subject to such conditions as the Lieutenant Governor in Council may in each case prescribe:

Provided that at any time on being satisfied that there is no longer reason for continuing the withdrawal of any Provincial lands from disposition under this Act, and after reasonable notice given, he may cancel the withdrawal and declare the land open for disposition under this Act;
- (j) provide that any statement or return required by this Act or by any regulations made under it shall be verified on oath;
- (k) in connection with any question in respect to Provincial lands, whether the question arises before or after the issue of a Certificate of Title therefor, appoint any person or persons to inquire into the question and any person or persons so appointed shall have all the powers which are or may be conferred upon a commissioner pursuant to The Public Inquiries Act;
- (l) divide the Province into districts and prescribe the time when and the conditions upon which the Provincial lands in any district or any part thereof shall be thrown open for disposition or settlement;
- (m) establish a tariff of fees for all copies of maps, plans, field notes, documents, papers or other records of the Department of Lands and Mines, and for the registration of assignments therein;
- (n) reinstate any sale, lease, license or permit that may have been cancelled or forfeited upon such terms and conditions as may be prescribed:

Provided that application for reinstatement be made within six months of the date of cancellation;
- (o) withhold from leasing any agricultural land situate in a remote district, or any land the soil of which is of doubtful classification;
- (p) make regulations for the preservation by lessees in wooded, park land or brush covered areas of sufficient of the growing timber for shade and shelter in fire-breaks or clumps, or plantations for future timber supply;

- (q) make such regulations as are within the legislative competence of the Province for the control and operation of any vessel whatsoever upon any lake, river, stream, or body of water, and without derogating from the generality of the foregoing include every description of ship, boat or craft of any kind whether propelled by steam, internal combustion engine, or otherwise, including everything forming part of the machinery or equipment of the vessel;
- (r) make regulations for the sale or leasing of any vacant lands for residential purposes or for any other purpose which is deemed to be in the public interest;
- (s) from time to time make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent, or to carry out the Agreement of Transfer, or to meet cases which may arise and for which no provision is made by this Act.

(2) For the purpose of implementing any obligation affecting any lands vested in His Majesty in the right of the Province by virtue of the Agreement of Transfer, which, by the terms of the agreement, the Province is bound to perform, the Lieutenant Governor in Council is empowered to do or cause to be done all or any acts and things, and to make any disposition of the said lands for the purpose aforesaid, and, to the extent only that it may be necessary for effecting such purpose, to depart from or vary any other provision of this Act.

"79. -(1) Regulations made by the Lieutenant Governor in Council pursuant to this Act shall be published in The Alberta Gazette and thereupon shall have the same force and effect as if they had been enacted by this Act.

(2) All such regulations shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof next after the due publication thereof in The Alberta Gazette."

"83. -(1) The Minister may, whenever he deems it necessary so to do, vary the Form in the Schedule to this Act, or to any Act amending it, or he may, from time to time, adopt or cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form is not set forth in the Schedule:

Provided that every form shall be in accordance with the provisions of this Act.

(2) Notwithstanding anything contained in any lease, license, permit, instrument, document, or other arrangement whether made under the provisions of this Act or The Dominion Lands Act and the regulations made under the said Acts, any renewal or re-issue of such lease, license, permit, instrument,

document, or other arrangement shall be in every respect in accordance with and subject to the regulations made under the authority of this Act and in force at the time of the making of such renewal or re-issue.

(3) Upon the registration of an assignment of a lease, license, permit, instrument, or document, or of any partial assignment thereof, there shall be issued to the assignee a substitutional lease, license, permit, instrument, or document conforming with and subject to the regulations made under the authority of this Act and in force at the time of the registration of such assignment."

The Provincial Lands Act, Statutes of Alberta, 1946, Ch. 28, s. 4.

"4. The said Act is further amended as to section 44 by adding immediately at the end thereof the following new subsections:

'(6) Notwithstanding the terms, conditions and provisions of any mineral lease or mineral sale for which a certificate of title has been issued now subsisting whether made by the Crown in the right of the Dominion of Canada or by the Crown in the right of the Province and which is subject to the payment of a royalty on the minerals or any of them, the royalty to be computed, levied and collected shall be as now prescribed by the Lieutenant Governor in Council or hereafter from time to time prescribed by him, and shall be payable on any mineral when and where obtained, recovered or produced.

'(7) In computing the royalty on any liquid hydro-carbon other than crude oil, the Minister may give consideration to any costs incurred in the operation, process or reaction for the recovery of such product, and when in doubt as to the actual costs may refer the same to the Board of Public Utility Commissioners who shall have in determining the facts all of the powers conferred under The Public Utilities Act.

'(8) For the purpose of this section 'mineral' in addition to the meaning set out in paragraph (k) of section 2 of this Act, includes any hydro-carbon obtained by mining, separation, absorption or polymerization, or as a result of some operation or work, labour, study or skill, or through chemical reaction, or by means of any other process or reaction."

The Provincial Lands Act, Statutes of Alberta, 1948, Ch. 36, s. 8.

"8. The said Act is further amended by adding immediately after section 44b thereof the following new section:

'44c. Notwithstanding the terms and provisions of any certificate of title, agreement for sale, or lease which conveys coal or the right to mine, win, work or excavate the same, where the payment of a royalty has been reserved to the Crown in the right of the Dominion or in the right of the Province, there shall be payable to the Minister on, from and after the first day of April, 1948,-

- (a) a royalty of ten cents per ton on any coal mined or excavated from any land, the title to which is held under lease from the Crown in the right of the Dominion or in the right of the Province;
- (b) a royalty of fifteen cents per ton on any coal mined or excavated from any land, the title to which is held in fee simple, or under an agreement for sale from the Crown in the right of the Dominion."

" O.C. 666/31

Certified Copy of Order in Council of the Province of Alberta, dated Thursday, June 18th, 1931, approved by His Honour the Lieutenant Governor.

Upon the recommendation of the Honourable the Minister of Lands and Mines, dated June 8th, 1931, the Executive Council advises that the attached Regulations be and are hereby established for the issue of leases of COAL MINING RIGHTS in PROVINCIAL LANDS.

Certified a True Copy
"R. A. Andison"
Clerk of the Executive Council

Edmonton, Alberta,
May 31st, 1951.

GOVERNMENT OF THE PROVINCE OF ALBERTA

DEPARTMENT OF LANDS AND MINES

COAL MINING REGULATIONS

Regulations for the disposal of coal mining rights, the property of the Crown, in the Province of Alberta.

INTERPRETATION

1. For the purposes of these regulations: **Definitions**
- "Coal mining location" shall mean a tract of land, containing coal, located or staked in accordance with these regulations.
- "Department" shall mean the Department of Lands and Mines.
- "Lessee" shall mean any individual, company, corporation or municipality, the holder of a coal mining lease in good standing.
- "Locator" shall mean the person who locates or stakes a coal mining location, in the manner prescribed in these regulations.
- "Mining Recorder" shall mean the Local Agent of Provincial Lands for a defined district or such other officer appointed by the Crown for the particular position referred to.
- "Minister" shall mean the Minister of Lands and Mines.
- "Year" shall mean a period of twelve consecutive months.
2. The coal mining rights which are the property of the Crown may be leased to applicants at an annual rental of one dollar (\$1.00) an acre, payable yearly in advance. **Rental**
- The term of the lease shall be twenty-one years, renewable for a further term of twenty-one years, provided the lessee can furnish evidence satisfactory to the Minister to show that during the term of the lease he has complied fully with the conditions of such lease and with the provisions of the regulations in force from time to time during the currency of the lease. **Term of Lease**
3. The maximum area of a coal mining location shall be 2,560 acres, and no person shall be permitted to acquire a greater area, except by assignment. The minimum area of a coal mining lease shall be Forty acres and, unless especially authorized by order of the Lieutenant-Governor in Council, no assignment of a divided portion of a lease acquired under these regulations, containing an area of less than Forty acres shall be accepted and registered in the Department. **Maximum area**
- Provided that a person who has been granted a lease for a location, and who subsequently abandons or assigns the same, may, after the expiration of twelve months from the date of the said lease, be permitted to secure another location. **Lease relinquished or assigned**
- Provided further, however, that such right of relocation shall not be granted unless all payments on account of rent, royalty, or other liability to the Department, due by such person, have been fully made up to the date upon which the notice of his abandonment of the same was received by the Department. **All liability paid**

4. Application for a lease of coal mining rights shall be filed by the applicant in person with the Mining Recorder for the district in which the rights applied for are situated.

Personal application; where and how filed in surveyed territory

5. If the tract applied for is situated in surveyed territory, it shall consist of sections, or legal subdivisions of sections, but the several parcels comprising the tract shall be adjoining, the length of the tract not to exceed four times its breadth. In unsurveyed territory, if at least one of the lines bounding the tract applied for has been surveyed, and the return of such survey has been duly received in the Department an application for a lease of the coal mining rights of an area not in excess of 640 acres may be considered under the provisions of this section of the regulations, provided, however, that the length of the tract shall not exceed its breadth.

Description in surveyed territory

What constitutes survey

6. Application for coal mining location, situated in unsurveyed territory, shall be filed by the locator in person with the Mining Recorder for the district in which the location is situated, within thirty days from the date upon which the location applied for was staked in accordance with section seven (7) of these regulations. If, however, the location is distant more than one hundred miles in a direct line from the office of the Mining Recorder, the locator shall be allowed one additional day for each ten miles, or fraction thereof, in excess of one hundred miles. If the application is not filed within the time prescribed, it shall not be considered.

In unsurveyed territory

7. Application for a location situated in unsurveyed territory shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a plan showing the position of such location in its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the position of the location applied for being definitely shown in the records of the Department. The location must be rectangular in form, except where a boundary of a previously located tract is adopted as common to both locations, the length not to exceed four times the breadth.

Description in unsurveyed territory

Plan

Shape

The application shall be accompanied by evidence, supported by affidavit of the locator, to show that the following requirements have been fully complied with:-

Staking and inscriptions on posts

(a) That the location applied for has been defined on the ground by the locator in person by planting two wooden posts, at least four inches square and standing not less than four feet above the ground -- such posts being numbered "1" and "2" respectively. The distance

between post No. "1" and post No. "2" shall not exceed 21,120 feet and upon each post shall be inscribed the name of the locator and the date of the location. Upon post No. "1" there shall be written in addition to the foregoing, the words "Initial Post", and approximate compass bearing of post No. "2" and a statement of the number of feet lying to the right and to the left of the line between post No. "1" and post No. "2" thus: (Initial post, direction of post No. "2" is . feet line to the right and feet to the left of the line between post No. "1" and post No. "2").

When the tract which an applicant desires to lease has been located, he shall immediately mark the line between post No. "1" and post No. "2", so that it can be distinctly seen, in a timbered locality, by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set posts of the above dimensions or erect mounds of earth or rock not less than two feet high and two feet in diameter at the base in such a manner that the line may be distinctly seen.

Location line
marked

(b) All the particulars required to be inscribed on posts No. "1" and No. "2" shall be set out in the application and shall be accompanied by a plan showing the position of the tract in its relation to some prominent topographical feature or other known point, such plan to contain sufficient data to admit of the location being shown definitely on the records of the Department.

(c) The locator shall post a written or printed notice on a conspicuous part of the location applied for, setting out his intention to apply within thirty days from the date of such notice for a lease of the coal mining rights under the said location.

Notice to be
posted

(d) The application shall be accompanied by evidence, supported by the affidavit of the locator, in due form, to show that the above requirements of the regulations have been fully complied with.

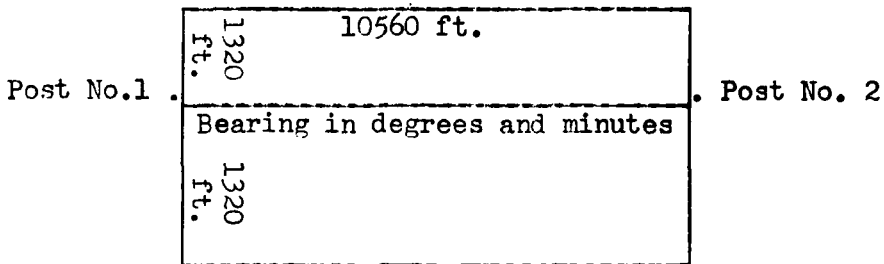
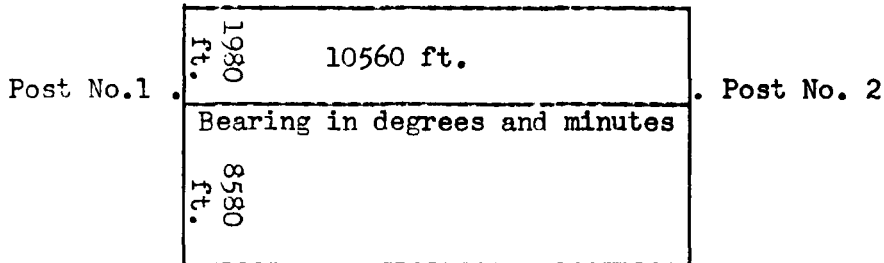
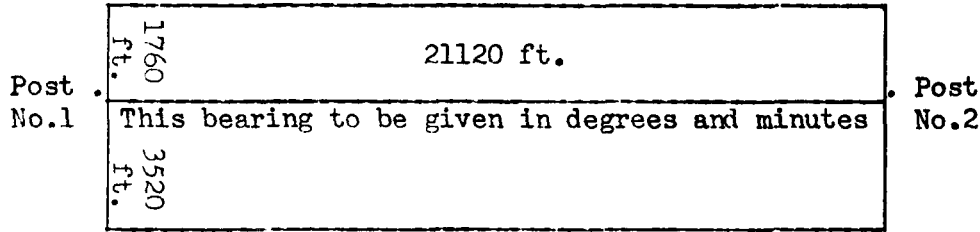
Affidavit

(For purposes of illustration, the following diagrams are given to show the manner in which coal mining locations may be laid out in unsurveyed territory.

Diagrams

Diagram showing mode of Staking

A location should be staked along its greatest dimension.



8. If, for any reason, it is considered necessary or advisable to have a survey made of any location or locations applied for or leased under these regulations, owing to an alleged conflict of locations, or in order to determine the exact position of such location or locations, or in order to settle any dispute which may arise respecting the same, the Minister may direct that such a survey be made by an Alberta Lands Surveyor under proper instructions, and may require payment in advance of the costs of such survey to be made by the applicant for or the recorded owner of the location or locations to be surveyed in whole or in part, or the Minister may require such portion of the payment of the costs as may seem to him just. Failure on the part of the applicant or lessee to make such payment in advance, when called

Survey

upon to do so by the proper officer of the Department, shall render the application or lease subject to immediate cancellation in the discretion of the Minister.

9. Where two or more persons lay claim to the same location, or to portions of the same locations, the right to acquire a lease shall be in him who can prove to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by demarcation in the manner prescribed in these regulations, and that he made application for a lease thereof within the specified time.

Priority in case of conflict

10. As soon as the survey of a township has been confirmed, all coal mining leaseholds, embracing any portion of such township so surveyed and confirmed, shall, if the Minister so directs, be made to conform to the Alberta Lands System of survey by the substitution of a new lease describing by sections, legal subdivisions of sections, or regular portions of legal subdivisions, as nearly as may be, the tract embraced in the leasehold in so far as the township so surveyed is concerned.

Substitutional lease when survey made

The remainder of the leasehold, which may still be in unsurveyed territory, shall continue to be described as in the lease originally issued, until such portion is included in a confirmed survey.

11. The lessee shall commence active operations on his leasehold within one year from the date upon which he may be notified by the Minister to do so, and shall produce from such operations the quantity of coal specified in the said notification. Such notification shall not be given until the expiration of at least one year from the date of the lease, and shall set out the quantity of coal which the lessee is required to mine and produce at the pit's mouth ready for shipment, which quantity, however, may be increased from time to time, upon thirty days' notice to that effect being given to the lessee, but in no case shall the maximum quantity required to be mined exceed ten tons per annum for each acre leased. In case operations are not commenced within the time specified in the notice, or if the required quantity of coal is not mined during each year, the lease shall be subject to cancellation in the discretion of the Minister.

Operations to be commenced within one year

12. The lessee shall not assign, transfer or sublet the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained, and no assignment of such rights shall be accepted and recorded in the Department unless it is unconditional and until all arrears, both as to rental and royalty have been fully paid.

Assign lease

13. The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie. Boundaries

The lessee, however, shall not mine or excavate any coal within sixty feet from the boundary lines of the location which may be leased to him, and the rights and privileges granted under the lease shall not extend to the mining of any coal which lies within sixty feet from the said boundary lines, nor shall the lessee, without the permission of the Minister being first had and obtained, make or suffer to be made any opening underground into any adjoining lands through the said barrier of sixty feet which it is intended shall remain as a protection from water accumulating and from fire occurring in the mine which may be opened on the location, or in mines adjacent thereto, as well as for the prevention of subsidence. Barrier of sixty feet

14. All leases of coal mining rights issued under these regulations shall be subject to the provision that actual settlers shall be entitled to buy at the pit's mouth whatever coal they may require for their own use, but not for barter or sale, at a price not to exceed \$2.75 per ton, and the lease issued for coal rights shall be made subject to such provision. Price of coal

15. The lease shall be in such form as may be determined by the Minister in accordance with the provisions of these regulations. Form of lease

16. A fee of \$5.00 shall accompany each application for a lease, which will be refunded if the rights applied for are not available but not otherwise. Application fee

17. If during the term of the lease the lessee shall fail to pay the rental in advance for each subsequent year, at the rate of one dollar (\$1.00) an acre per annum, within thirty days after the date upon which the same became due, the lease shall be subject to cancellation in the discretion of the Minister and to the immediate forfeiture of all the rights thereunder. Cancellation for non-payment of rental

18. (a) In addition to the rent, a royalty at the rate of five cents per ton of two thousand pounds, shall be levied and collected on the output of the mine, and such royalty shall be payable monthly to the Mining Recorder from the date upon which operations may be commenced. The person operating a mine will furnish the Mining Recorder with sworn returns monthly, or at such times as the Minister may direct, accounting for the full quantity of coal mined. Royalty Returns of operations

(b) In the event of its being found necessary, after the operator of the mine has been requested to Overdue returns

forward any overdue return, to send an officer of the Department to secure the same, the Minister may charge and may collect from the recorded owner of the location so in default, the expenses incurred in connection with securing such return, and failure to make payment of the expenses so incurred shall render the lease subject to immediate cancellation.

(c) Any royalty which is not paid when it becomes due, shall bear interest at the rate of seven per cent per annum until paid, and the Crown shall have a lien for the amount of any royalty or tax reserved, or payable, for all expenses of seizure, detention, or sale incurred in forcing the lien, upon all engines, machinery, equipment, and structures, and upon all the railway lines belonging to the person by whom the royalty, or taxes are payable; such lien to constitute a first charge in priority to all other liens and to all encumbrances or charges created by any contract or arising under any Statute or otherwise, and to confer the same rights and to be enforceable in the same manner as the lien and the rights of recovery of royalty conferred by the provisions in that behalf of these regulations, including an absolute, unconditional power to sell; or the amount due of which payment has been evaded may be recovered by action or suit, in the name of the Minister or his agent, in any Court of competent jurisdiction.

(d) When a lessee wishes to abandon a location where operations have been conducted, he shall, before removing any part of the machinery or structures that have been erected upon the premises, obtain written permission to do so from the Department.

19. (a) Should the Minister have reason to believe that operations on any coal mining location acquired under these regulations are not being conducted in strict conformity with the terms of the lease and the conditions of the regulations, or that such operations are being so conducted as to expose others to the risk of damage or loss, he may authorize a mining inspector or other person named by him to enter upon the mine, and to remain for such period or periods as the Minister may deem necessary, for the purpose of enforcing compliance with such terms and conditions and the remedy of existing defaults, and the Minister may charge and may collect from the recorded owner of such location the expenses incurred in connection with the supervision so authorized by the said Minister. Failure on the part of the recorded owner of the location to make payment in full of the expenses so incurred shall render the lease subject to immediate cancellation, in the discretion of the Minister, at the expiration of a period of thirty days after the date upon which notice of such indebtedness was sent to the last known place of address of such recorded owner.

Operations
subject to
supervision
at lessee's
expense

(b) Any other officer or person so designated by the Minister, shall have the right to enter upon any land comprised within a coal mining location, or the workings therein; to examine all records and books of account of the lessee or operator of such coal mining location, and to make such other examination as may be deemed necessary in order to ascertain whether or not the terms of the lease for such location are being duly complied with.

Right of entry
and examination

(c) Any attempt to defraud the Crown by withholding any part of the revenue thus provided for, by making false statements of the amount taken out, may, in the discretion of the Minister, render the lease subject to cancellation. In respect of the facts as to fraud or false statements or non-payment of royalty or failure to furnish returns the decision of the Minister shall be final.

20. Every lessee of coal mining rights which are not being operated shall furnish the Mining Recorder with a sworn statement to that effect at least once in each year.

Annual returns

21. The lease shall in all cases include the coal mining rights only, the property of the Crown, but the lessee may, upon application, be granted a yearly lease at a rental of \$1.00 per acre per annum, payable in advance, of whatever area of the available surface rights of the tract described in the coal mining lease the Minister may consider necessary for the efficient and economical working of the rights granted under such lease.

Lease of
surface

22. The lessee shall, before opening any mine on the lands described in the lease, and before extracting any coal therefrom, submit to the Minister plans and specifications showing in detail the manner in which it is proposed to open up, develop and operate such mine, and if the location contains more than one seam of coal, detailed information shall be furnished as to the particular seam which it is proposed to develop. No work shall be commenced for the recovery of coal, and no coal shall be extracted until such plans and specifications have been approved by the Department. The procedure to be adopted in opening up and operating a mine on the lands leased, as well as the particular seam of coal which shall first be operated, shall at all times be in accordance with the provisions of regulations duly approved by the Minister, and failure to comply with the requirements of such regulations shall render the lease subject to cancellation in the discretion of the Minister.

Proposed method
of mining must
be approved

23. That the lessee shall pay and discharge all rates, assessments and taxes, imposed by any Municipal, Improvement, School, Irrigation and Drainage Districts now charged or hereafter to be charged upon the said demised premises, as occupant, or upon the said lessee or occupier in respect thereof or payable by either in respect thereof.

Taxes

24. Whenever the coal mining lessee by reason of his mining operations on the lands described in the lease creates a centre of population comprising persons, who under the provisions of the regulations of the Province, are considered to be of school age, and in case a school district is organized under the regulations of the Province owing to such centre of population having been so created and including it, the lessee shall erect and maintain during the currency of the lease a school house for the accommodation of all such persons of school age, on a site provided by the mine-owner, which must be satisfactory to the Minister of Education.

Lessee to erect and maintain school house

25. The Minister may, from time to time, make such additional regulations as may appear to be necessary or expedient governing the manner in which mining operations shall be conducted.

Additional regulations

Failure on the part of the lessee to comply with the above requirements, or to comply with such other requirements as the Minister may consider it necessary to impose, will render the lease subject to cancellation in the discretion of the Minister.

Penalty

26. The lessee shall do no unnecessary damage to timber, and shall carefully observe the provisions of the Departmental regulations, which may be made from time to time.

Damage to timber

27. No trees shall be cut by the lessee or on his behalf without the permission of the Department, and when any trees are cut by him he shall carefully clear the ground of all tops and branches and other debris of such cutting, and shall so dispose of them as to prevent danger from fire, in accordance with the regulations of the Department. If in order to so dispose of such debris it is necessary to burn it, the lessee shall give due notice to the Department of his intention so to do, and before he proceeds to burn such debris shall obtain the consent of the Department; and shall comply with all the conditions imposed in regard to such burning.

Cutting of timber

28. The lessee shall cause to be cleared of combustible material such area around any mill or other works constructed or operated by him as may be required by the Department, and where necessary and practicable the lessee shall construct and maintain a ploughed fire-guard around such area.

Fire-guarding

29. Every engine operated by power of steam that is used by the lessee shall be provided with and have in use all the most approved and efficient appliances to prevent the escape of fire from the furnace or ash-pan or from the smoke-stack of such engine, including a spark-arrester in connection with the smoke-stack, which appliances shall be kept properly fitted and in a proper state of repair, and it shall be the duty of every engineer in charge of such engine to use all necessary means and the appliances to prevent the escape of fire.

Spark-
arresters

30. The machinery and equipment which the lessee shall be required to install on the location shall, when required by the Minister, including a portable fire-engine and equipment, to be maintained in a state of efficiency for immediate use, together with a reserve of water sufficient for the use of such engine in case of fire.

Efficient
equipment

31. Where drilling has been conducted for the discovery of petroleum or natural gas, and operations have been undertaken for the recovery of the coal, such beds or seams of coal shall be worked so as not to endanger the persons engaged in such mining operations due to the drilling that has been conducted, and every working of such beds or seams of coal shall be in accordance with such regulations as the Minister may from time to time prescribe."

"O.C. 193/35

Certified Copy of Order in Council of the Province of Alberta, dated Wednesday, February 6th, 1935, approved by His Honour the Lieutenant Governor.

The Executive Council has had under consideration the report of the Honourable the Minister of Lands and Mines, dated January 29th, 1935, stating that:

WHEREAS Regulations for the Disposal of Coal-mining rights, the Property of the Crown, in the Province of Alberta, were established by Order in Council dated the 18th day of June, 1931, and numbered 666/31; and

WHEREAS representations have been made to the Department that owing to the very large investment and expenditures which are necessarily incurred in opening up and equipping a coal mine, together with the considerable

period of time which must elapse after the issue of a lease before the mine can be made profitably productive, the renewal term of twenty-one years is not considered sufficient and provision should be made forthwith for a renewal of the lease for additional periods; and

WHEREAS it is proper, convenient and in the public interest that such representations receive favourable consideration, and that the aforesaid regulations be amended;

THEREFORE, upon the recommendation of the Honourable the Minister of Lands and Mines, the Executive Council advises that Section 2 of the aforesaid Regulations be and is hereby rescinded, and that the following Section 2 be and is hereby substituted therefor:

"2. The coal-mining rights, which are the property of the Crown, may be leased to applicants at an annual rental of \$1. an acre, payable yearly in advance.

The term of the lease shall be twenty-one years, renewable in the discretion of the Minister for a further term of twenty-one years, provided the lessee furnishes evidence satisfactory to the Minister to show that during the term of the lease he has complied fully with the conditions of such lease, and with the provisions of the regulations regarding the disposal and operation of coal-mining rights, which may have been made from time to time by the Lieutenant Governor in Council, and subject to renewal for additional periods of twenty-one years, upon such terms and conditions as may be prescribed by the Lieutenant Governor in Council."

Certified a True Copy
"R. A. Andison"
Clerk of the Executive Council

Edmonton, Alberta,
May 31st, 1951."

"O.C. 927/48

Certified Copy of Order in Council of the Province of Alberta, dated Thursday, August 19th, 1948, approved by His Honour the Lieutenant Governor.

The Executive Council has had under consideration the report of the Honourable the Minister of Lands and Mines, dated June 12th, 1948, stating that regulations for the

disposal of coal-mining rights, the property of the Crown, in the Province of Alberta, were established by Order in Council dated the 18th day of June, 1931, and numbered 666/31, as amended by Orders in Council dated the 21st day of November, 1932, numbered 997/32, and the 6th day of February, 1935, numbered O.C. 193/35; and

WHEREAS it is proper and convenient that the aforesaid regulations be further amended as hereinafter provided for;

THEREFORE, upon the recommendation of the Honourable the Minister of Lands and Mines, the Executive Council advises that, pursuant to the provisions of The Provincial Lands Act, being Chapter 62 of the Revised Statutes of Alberta, 1942, the aforesaid regulations be and are hereby further amended as follows:

Firstly: As to Section 18, paragraph (a), by striking out the word 'five' where it occurs therein, and substituting therefor the word 'ten'; and

Secondly: As to Section 18, paragraph (c), by striking out the word 'seven' where it occurs therein, and substituting therefor the word 'five'.

Certified a True Copy
"R. A. Andison"
Clerk of the Executive Council

Edmonton, Alberta,
May 31st, 1951."

The Mines and Minerals Act, Statutes of Alberta, 1949, Ch. 66,
Sections 19 (c) (iv), 20, 30 (1) & (2), 214 and 216.

"19. The Lieutenant Governor in Council from time to time may,-
(a)
(b)
(c) make regulations,-
 (i)
 (ii)
 (iii)
 (iv) for the leasing or other disposal of any minerals and for which no provision is made by this Act;"

"20. Regulations and orders made by the Lieutenant Governor in Council pursuant to this Act shall be published in The Alberta Gazette and thereupon shall have the same force and effect as if they had been enacted by this Act."

"30. -(1) There shall be reserved to His Majesty on the minerals or any of them that may be won, worked or recovered pursuant to any agreement or mineral claim made under this Act, such royalty as may be prescribed from time to time by the Lieutenant Governor in Council which is applicable during the term of the agreement or mineral claim or any renewal thereof.

(2) Notwithstanding the terms, conditions and provisions of any lease or other agreement or of any sale as a result of which a certificate of title has been issued, whether made by the Crown in the right of the Dominion of Canada or by the Crown in the right of the Province, and which is subject to the payment of a royalty on the minerals or any of them, the royalty to be computed, levied and collected other than the royalty prescribed by section 216 shall be the royalty prescribed by the Lieutenant Governor in Council from time to time."

"214. -(1) A royalty at the rate prescribed under the provisions of paragraph (a) of section 216 shall be levied and collected on any coal mined or excavated from any location.

(2) The royalty shall be collected in such manner as may be specified by the Minister.

(3) If the lessee fails or neglects to make prompt payment of the royalty the Minister may cancel the lease."

"216. Notwithstanding the terms and provisions of any certificate of title, agreement of sale, or lease which conveys coal or the right to mine, win, work or excavate the same, where the payment of a royalty has been reserved to the Crown in the right of the Dominion or in the right of the Province, there shall be payable to the Minister,-

- (a) a royalty of ten cents per ton on any coal mined or excavated from any land, the title to which is held under lease from the Crown in the right of the Dominion or in the right of the Province;
- (b) a royalty of fifteen cents per ton on any coal mined or excavated from any land, the title to which is held in fee simple, or under an agreement of sale from the Crown in the right of the Dominion."

"AT THE GOVERNMENT HOUSE AT OTTAWA

The 31st day of May, 1901.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas by an Order of the Governor General in Council dated the 6th day of August, 1898, provision was made for the reservation for an applicant for a period of six months of an area not exceeding 640 acres of Dominion Land for the purpose of prospecting thereon for petroleum, and for the sale of such land at the rate of \$1.00 an acre, provided oil has been discovered thereon in paying quantities, subject, however, to the payment of royalty at the rate of two and a half per cent upon the sales; and

Whereas it is deemed no longer advisable in the public interest to reserve for an applicant any particular area of land for the purpose of prospecting thereon for petroleum;

Therefore the Governor General in Council is pleased to order and it is hereby ordered that the provisions of the above mentioned Order in Council of the 6th August, 1898, shall be and the same are hereby rescinded, and the following substituted therefor:

All unappropriated Dominion Lands in Manitoba, the North West Territories and within the Yukon Territory shall on and after the first day of July, 1901, be open to prospecting for petroleum by any individual or company desiring to do so. In case there should arise any dispute as to whether lands are or are not unappropriated, the question shall be decided by the Minister whose decision shall be final.

Should oil in paying quantities be discovered by a prospector on any vacant lands of the Crown, and should such discovery be established to the satisfaction of the Minister of the Interior, an area not exceeding 640 acres of land, including and surrounding the land upon which the discovery has been made, will be sold to the person or Company making such discovery, at the rate of \$1.00 an acre, provided such lands are available at the time application therefor is made.

A royalty at such rate as may from time to time be specified by Order in Council will also be levied and collected upon the sales of the petroleum, and it will be necessary for the person operating the location to furnish the Agent of Dominion Lands within whose district it is situated with sworn returns monthly, or at such times as the Minister of the Interior may direct, accounting for the full quantity of oil obtained and sold, and pay the royalty thereon at the prescribed rate.

Default in payment of such royalty if continued for ten days after notice has been posted at the well in respect of which it is demanded, or in the vicinity of such well, by the Agent of Dominion Lands or by his direction, shall be followed by the cancellation of the sale.

The patent which may be issued for petroleum lands will be made subject to the payment of the above royalty, and provision will be made therein that the Minister of the Interior may declare the patent to be null and void for default in the payment of the royalty on the sales of the petroleum.

Any attempt to defraud the Crown by withholding any part of the revenue thus provided for, by making false statements of the quantity obtained and sold shall be punished by cancellation of the sale of the land in respect of which fraud or false statements have been committed or made, and the Minister of the Interior may for the same cause, declare the patent which may have been issued for the land to be null and void. In respect to the facts as to such fraud or false statements or non-payment of royalty the decision of the Minister of the Interior shall be final.

(Signed) JOHN J. MCGEE
Clerk of the Privy Council.

To The Honourable
The Minister of the Interior

N.B. - Published in *Canada Gazette* of 20th July, 1901, Vol. 35,
No. 3, for the fourth consecutive week."

"AT THE GOVERNMENT HOUSE AT OTTAWA,

The 22nd day of December, 1902.

P.C. No. 1899.

Present:

THE GOVERNOR GENERAL IN COUNCIL.

The Governor General in Council is pleased to order that Clauses 1 and 2 of the Regulations governing the disposition of Dominion Lands in Manitoba, the North West Territories and the Yukon Territory, containing petroleum, established by the Order in Council of the 31st May, 1901, shall be and the same are hereby rescinded, and the following substituted therefor:-

1. All unappropriated Dominion Lands in Manitoba, the North West Territories and within the Yukon Territory shall be open to prospecting for petroleum by an individual or company desiring to do so. In case there should arise any dispute as to whether lands are or are not unappropriated, the question shall be decided by the Minister of the Interior whose decision shall be final. Provided, however, that the Minister may reserve for an individual or company who have machinery on the land to be prospected, an area of 640 acres of such shape as

the Minister may approve of, and that the reservation may be made for such period as he may decide.

2. Should oil in paying quantities be discovered by a prospector on any vacant lands of the Crown, and should such discovery be established to the satisfaction of the Minister of the Interior, an area not exceeding 640 acres of land, including the oil well and such other land as may be determined by the Minister of the Interior, will be sold to the person or company making such discovery at the rate of \$1.00 per acre.

(Signed) JOHN J. McGEE,

Clerk of the Privy Council.

To the Honourable
The Minister of the Interior.

N.B. Published in Canada Gazette of 7th February, 1903,
Vol. 36, No. 32, for the fourth consecutive week."

"AT THE GOVERNMENT HOUSE AT OTTAWA,

Saturday, the 21st day of September, 1918.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

P.C. No. 2303

WHEREAS Section 1 of the Coal Mining Regulations established under authority of Section 37, Chapter 20 of 7-8 Edward VII, by Order in Council dated the 20th of April, 1910, and amended by subsequent Orders in Council, provides that the term of the lease shall be twenty-one years, renewable for a further term of twenty-one years, provided the lessee furnishes evidence satisfactory to the Minister of the Interior to show that during the term of the lease he has complied with the conditions of such lease and with the provisions of the Regulations regarding the disposal and operation of coal mining rights which may have been made from time to time by the Governor in Council;

AND WHEREAS the initial expenditure involved in the development of a coal mine and in the installation of the machinery and equipment necessary for its operation would appear to justify the continuance of the lease for a greater period than that specified in the Regulations;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of the Interior, is pleased to order that Section 1 of the above mentioned Regulations shall be and the same is hereby rescinded and the following is substituted therefor and made to apply to all coal mining leases already issued under the provisions of the Regulations:-

'The term of the lease shall be twenty-one years, renewable for a further term of twenty-one years, provided the lessee furnishes evidence satisfactory to the Minister to show that during the term of the lease, he has complied fully with the conditions of such lease and with the provisions of the Regulations regarding the disposal and operation of coal mining rights which may have been made from time to time by the Governor in Council, and subject to renewal for additional periods of twenty-one years on such terms and conditions as may be prescribed by the Governor in Council.'

AND WHEREAS Section 13 of the said Coal Mining Regulations provides that all leases of coal mining rights, issued under the Regulations, shall be subject to the provision that actual settlers shall be entitled to buy at the pit's mouth whatever coal they may require for their own use, but not for barter or sale, at a price not to exceed \$1.75 per ton, and the lease issued for coal rights shall be made subject to such provision;

AND WHEREAS the above provision was first made by Order in Council dated the 23rd of March, 1904, and all coal mining rights have since been disposed of, subject to that provision;

AND WHEREAS representations have been made to the Department of the Interior that, as the cost of coal production has very materially increased, it is no longer possible for the mine operators to profitably produce and sell coal at the price fixed, and the request has been made that the maximum charge be very materially increased;

THEREFORE, in view of the changed conditions of coal production, His Excellency in Council is further pleased to order that the maximum charge of \$1.75 per ton specified in the above Section of the Coal Mining Regulations, shall be and the same is hereby increased to \$2.75 and made to apply to coal mining rights already disposed of;

AND WHEREAS Section 24 of the same Regulations provides that the lease shall include the coal mining rights only, but the lessee may, upon application, be permitted to purchase at the rate of \$10 an acre whatever area of the available surface rights thereof the Minister may consider necessary for the efficient and economical working of the coal mining rights granted under such lease;

AND WHEREAS Section 8 of Chapter 27 of 4-5 George V, being an Act to amend the Dominion Lands Act, provides that lands containing coal and other minerals may be leased under Regulations made by the Governor in Council, but provision is no longer made for the sale of lands under such Regulations;

AND WHEREAS no Regulations exist for the leasing of lands for coal mining purposes;

THEREFORE, His Excellency in Council is further pleased to order that Section 24 of the Coal Mining Regulations shall be and the same is hereby rescinded, and the following is substituted therefore:-

'The lease shall in all cases include the coal mining rights only, the property of the Crown, but the lessee may, upon application, be granted a yearly lease at a rental of \$1 per acre per annum, payable yearly in advance, of whatever area of the available surface rights of the tract described in the coal mining lease the Minister may consider necessary for the efficient and economical working of the rights granted under such lease.'

AND WHEREAS representations have been made to the Department of the Interior that coal mining lessees frequently adopt unskillful and improper methods in the opening up and operation of coal seams on the locations leased to them under the Regulations, which methods are not in the interests of economy and production;

THEREFORE, in order that supervision may be exercised over the methods adopted for the conservation and recovery of coal, His Excellency in Council is further pleased to order and it is hereby ordered that the following provision be inserted in the said Coal Mining Regulations:-

'The lessee shall, before opening any mine on the lands described in the lease, and before extracting any coal therefrom, submit to the Minister plans and specifications showing in detail the manner in which it is proposed to open up, develop and operate such mine, and if the location contains more than one-seam of coal, detailed information shall be furnished as to the particular seam which it is proposed to develop. No work shall be commenced for the recovery of coal, and no coal shall be extracted until such plans and specifications have been approved by the proper officer of the Department. The procedure to be adopted in opening up and operating a mine on the lands leased, as well as the particular seam of coal which shall first be operated shall at all times be in accordance with the provisions of Regulations duly approved by the Minister, and failure to comply with the requirements of such Regulations shall render the lease subject to cancellation in the discretion of the Minister.'

AND WHEREAS coal mining lessess in their mining operations frequently create centres of population in isolated districts where educational facilities for persons of school age have not been established;

THEREFORE, His Excellency in Council is further pleased to order and it is hereby ordered that the following provision for the establishment of such facilities be inserted in the said Coal Mining Regulations:-

'Whenever the coal mining lessee, by reason of his mining operations on the lands described in the lease, creates a centre of population comprising persons who, under the provisions of the Regulations of the Province in which the lands are situated, are considered to be of school age, and in case a school district is organized under the Regulations of the Province, owing to such centre of population having been so created, and including it, the lessee shall erect and maintain, during the currency of the lease, a school house for the accommodation of all such persons of school age, in accordance with the Regulations of the Provincial Department of Education, and shall engage and pay a teacher or teachers, properly qualified and approved by the Provincial Department of Education.'

(Signed) RODOLPHE BOUDREAU,

Clerk of the Privy Council.

To the Honourable
The Minister of the Interior.

Published in the Canada Gazette of 19th October, 1918, Vol. 52, No. 16, for the fourth consecutive week. Also in the British Columbia Gazette of 12th Dec. 1918, Vol. 58, No. 50, for the fourth consecutive week."