

**SUMMARY OF LEGISLATION
RELATING TO
SOIL AND WATER
CONSERVATION IN CANADA**



Prepared by the

1954-55 CONSERVATION COMMITTEE

of the

AGRICULTURAL INSTITUTE OF CANADA

March, 1956

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SUMMARY OF LEGISLATION AND POLICIES RELATING TO SOIL AND WATER CONSERVATION IN CANADA

INTRODUCTION

The Agricultural Institute of Canada, for a number of years, has energetically promoted soil and water conservation activities. One method of promotion used by the Institute has been an attempt to make known to the Canadian public the necessity of using their lands wisely and, further, to point out to them the need for an over-all soil and water conservation and land use policy, as well as a conservation program.

The March-April, 1954, Special Issue of the "Agricultural Institute Review" was devoted to "The Use and Conservation of Canada's Farm Lands". Conservation in Canada was thoroughly reviewed in this issue, by covering what land use means, and what is being done by farmers and the various Governments, and also pointing out what are the major conservation problems. It is appropriate to refer to statements made in this special issue by men who have devoted their lives to Canadian agriculture.

Dr. E. S. Archibald, retired Director of the Experimental Farms Service, in his presentation of "What Land Use Means to the People of Canada", concluded by stating:

"People love the land. Those who are dependent on it for a living desire and have the rights of our forefathers to raise and educate families on the land; fundamentally they love crops, woodlots, livestock, specialized crops. We, on our broad acres of Canada, may thus think in terms of future use of soil and water. But let us never neglect the psychology of the many more millions of city and village people who also love the projects of the soil - perhaps only a geranium in a tomato-can, a small back-yard plot of flowers, or a useful vegetable garden to ease the family budget and improve the diet. Canada's land is surely our most precious possession for every inhabitant."

Dr. J. G. Taggart, Deputy Minister of Agriculture for Canada, and S. R. N. Hodgins, Director of Information Service, in telling what is being done by the Federal Government, stated:

"Proper land use - utilizing our soils for the purposes for which they are best fitted, and so handling them as to ensure both their present productivity and their maintenance in good heart for following generations - probably covers most of the objectives of a rational soil conservation program..... "

"Not all problems in land use and conservation, of course, can be solved by the individual farmer."

"So in a land like Canada, with its relatively sparse settlement and wide variety of soil problems induced by such things as too much water or too little, some conditions may require attention by municipal, provincial, or federal agencies - or by one or all of these working with the farmer;"...

During 1954, the Agricultural Institute of Canada revised its suggested policy for Soil and Water Conservation and Land Use. The views of the Institute and its suggested Policy, as published in the January-February, 1955 issue of the "Agricultural Institute Review", are as follows:

"THAT the conservation of the soil and water resources, combined with proper utilization of all lands, represents the most important natural resources problem facing Canada at the present time.

"THAT the continuing productivity and better utilization of land, and the beneficial use, protection and control of the water resources, are fundamental to the stability of agriculture, and to the general welfare of a rapidly increasing population.

"THAT the conservation, improvement and development of the land and water resources are the responsibility of the Nation as a whole, through the Federal, Provincial and Municipal Governments, and the owners of land and users of water.

"THAT, while the Institute views with satisfaction the conservation efforts and achievements to date by the Federal, Provincial and Municipal Governments, and the citizens of Canada, nevertheless a greater organized and co-ordinated effort in a more direct action program is essential to provide for the better use of land and water in the future.

"THAT as a result of experience and knowledge gained through the application of Government policies, both Federal and Provincial, the time is now appropriate to consider a national policy to encourage the coordination of all existing and future programs in a national undertaking for the further development and conservation of the lands and water resources of the Nation.

"THAT, based on past experience, the work of conservation on the self-help plan with the farmer has proven to be economically sound.

"The Agricultural Institute of Canada, therefore, recommends:

- (a) That a national policy of soil and water conservation be established.
- (b) That such a policy be coordinated with all related phases, such as headwaters control, forestry, fisheries, wildlife and recreation.

- (c) That such a policy include provision for the coordination of the administrative, research and educational agencies of all Governments in order to provide all basic information in appraising and planning the different projects; that a national information and education office be established.
- (d) That Provincial Governments provide the legislation where necessary for the joint development of soil and water resources in a national plan.
- (e) That Provinces provide legislation and extend such aid and guidance to municipalities and farmers as will permit them to effectively conserve and better use the land and water resources.
- (f) That the program be expanded for the training of personnel in specialized services required for further soil and water development and that an adequately trained and experienced staff be provided to work with all users of land.

"It is the view of the Agricultural Institute of Canada that, under the above suggestions, a successful program could be implemented between Canada and the Provinces."

As no summary of legislation and policies relating specifically to Conservation was available, the Agricultural Institute believed a useful service would be performed by providing one. Therefore, the National Council of the Agricultural Institute of Canada requested the Conservation Committee for the year 1954-55 "to review all existing Acts relating to Conservation and prepare a summary for the use of the Institute and the public at large."

Summaries of Acts and policies relating directly to Conservation are presented in the following review. Legislation respecting Agriculture which may relate indirectly to Conservation has been omitted. This review, therefore, does not refer to legislation respecting the general administration of departments of agriculture, nor of departments administering resources, nor to legislation relating to Farm Credit and Settlement, Farm Relief Assistance or Agricultural Education. It is realized, of course, that the above legislation does have an important indirect bearing on Conservation and Land Use practices. Neither does this review attempt to indicate the various Conservation and Land Use activities being carried on by all branches or services of the Federal and Provincial Governments.

There are in Canada certain Conservation policies which deal with and promote conservation practices. These policies do not always appear to be the result of legislation in the form of Acts but are, nevertheless, approved by the various parliamentary bodies.

The Conservation Committee of the Institute herein acknowledges, as a source of information, publications of the Federal and Provincial Governments. It also declares its appreciation of the assistance received from Institute members and from government officials in reviewing the information presented.

I - LEGISLATION OF THE IMPERIAL PARLIAMENT RESPECTING THE RELATION BETWEEN CANADA AND THE PROVINCES IN REGARD TO GOVERNMENTAL ACTION IN SOIL CONSERVATION.

1. The British North America Act (B.N.A. Act)

The B.N.A. Act - 1867 - appears to make provisions which govern Federal and Provincial relations in regard to governmental action in soil conservation.

These provisions are found in Sections 92 and 95:

"92. In each Province the Legislature may exclusively make laws in relation to matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,

5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon,

13. Property and Civil Rights in the Province.....

"95. In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Provinces as long and as far only as it is not repugnant to any Act of the Parliament of Canada."

These sections of the Act indicate that either the Federal or Provincial Governments may legislate with regard to agricultural matters, including soil conservation, but only the Provincial Governments can legislate with reference to the management or disposition of provincial land resources or enforce by law the adoption of conservation practices on privately-owned lands.

II - LEGISLATION AND POLICIES OF THE GOVERNMENT OF CANADA RELATING TO SOIL AND WATER CONSERVATION

1. The Prairie Farm Rehabilitation Act, R.S.C. 1952, 0.214

An Act to provide for the rehabilitation of drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta.

Under the terms of this Act, the Minister of Agriculture may, subject to the

approval of the Governor in Council, undertake the development, construction, promotion, operation and maintenance of projects or schemes to secure the rehabilitation of the drought and soil drifting areas of the provinces of Manitoba, Saskatchewan and Alberta, and may enter into agreements with any province, municipality or person with respect thereto.

Such rehabilitation may consist of the development and promotion within these areas of systems of farm practice, tree culture, water supply, irrigation, land utilization and land settlement that will afford greater economic security.

2. Maritime Marshland Rehabilitation Act, R.S.C. 1952, c.175.

An Act respecting the Reclamation and Development of Marshlands in Nova Scotia, New Brunswick and Prince Edward Island.

Under the provisions of this Act, the Minister of Agriculture may, for the reclamation and development of marshlands in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, construct and reconstruct and assist these provinces in the construction and reconstruction of dykes, aboiteaux and breakwaters.

The Act provides for the appointment of one or more Advisory Committees whose duties are to consider and advise the Minister as to the best methods too be adopted to carry out the purposes of the Act.

However, no work may be undertaken unless:

- "(a) the work has been recommended by an Advisory Committee; and,
- (b) the province in which the work is to be undertaken has entered into an agreement with the Federal Government prior to May 1, 1955, providing that
 - (i) the province will undertake the reconditioning and construction of the main drainage creeks, the canals and the lateral ditches and other complementary facilities required in connection with the work;
 - (ii) the province, either with or without the assistance of the marshland owners, will maintain the work in satisfactory working condition;
 - (iii) the province will assume the operation and maintenance of the work at such time as the Minister may designate; and
 - (iv) the lands necessary for the construction of the work will be acquired by and at the expense of the province."

3. The Eastern Rocky Mountain Forest Conservation Act, S.C.1947,

Under the terms of this Act, provision was made for the establishment, in agreement with the Province of Alberta, of the "Eastern Rockies Forest Conservation Board". The main function of this Board, comprising representatives from the Governments of Canada and Alberta, is to manage certain forested areas of the eastern slopes of the Rocky Mountains with the following purposes and objectives.

"(a) to construct, operate and maintain and to supervise the construction, operation and maintenance of projects and facilities required for the conservation of the forests and the protection of the water-sheds in the area.

"(b) to protect the forests in the area from fire, insects, disease and other damage; and

"(c) to conserve, develop, maintain and manage the forests of the area with a view to obtaining the greatest flow of water in the Saskatchewan River and its tributaries."

The area referred to above includes most of the mountain sources of the Saskatchewan River system.

Under the terms of the Act the Government of Canada may spend up to a total of \$6,500,000 on work undertaken by the Board. The Government of Alberta under whose jurisdiction these forest resources are placed, has also undertaken certain obligations. The work of the Board may be expected to exert a beneficial influence on the conservation and utilization of soil resources within the area under its jurisdiction, and on the rate of the water flow in the Saskatchewan River system.

4. The Canada Forestry Act, R.S.C. 1952, c.24.

The Canada Forestry Act was passed as a measure to permit forest conservation in Canada. It authorizes the Governor in-Council to establish a National Forest or a Forest Experimental Area, to establish and maintain forest products laboratories and authorize the Minister administering the Act as follows: -

"6. The Minister may,

"(a) with the consent of the Governor in Council enter into agreements with any province for the protection, development or utilization of forest resources, including protection from fire, insects and diseases, forest inventories, silvicultural research, watershed protection, reforestation, forestry publicity and education, construction of roads and improvement of streams in forest areas, improvement of growing conditions and management of forests for continuous production;

“(b) enter into arrangements with other Departments or agencies of the Government of Canada for carrying out the purposes and provisions of this Act; and

“(c) enter into agreements with any persons providing for economic studies of forest resources or forest industries, forest research and demonstrations and the operation of forest products laboratories.”

5. Canada Water Conservation Assistance Act, S.C. 1953, c.21

This Act authorizes the Federal Government to grant financial assistance to the provinces for major projects for the conservation of water resources under the terms and conditions specified in the Act. Such grants are not to exceed 37 1/2 per cent of the cost of the project and are to be paid out of moneys appropriated by Parliament for that purpose. The actual construction work must be carried out by the province or by the local authority.

The Act also provides for ancillary conservation measures such as reforestation to be undertaken in connection with water conservation projects, wherever these measures are required to ensure the protection of natural resources in the area concerned.

6. Agricultural Lime Assistance Policy

The Federal Government's policy of assisting provinces to promote the use of lime as a soil amendment was inaugurated in 1943 as a war production measure and is at present applicable to the six Eastern Provinces and to British Columbia. The amount of such assistance, at the present time, is not to exceed \$1.50 per ton on lime distributed.

7. Soil Survey Policy

Soil survey work in Canada is conducted by the Experimental Farms Service in co-operation with the Provinces, roughly on the basis of costs being shared equally. In addition to co-operating in field survey activities, the Experimental Farms Service acts as a coordinating agency.

The basic program for soil surveys in Canada is a systematic reconnaissance survey of all the present and potential agricultural areas. Special surveys are conducted in areas where there is an immediate need for soils information for specific purposes.

8. Prairie Tree Planting Policy

The promotion of tree planting on farms in the Prairie Provinces is conducted by the Experimental Farms Service at Nursery Stations located at Indian Head, Sask., and Sutherland, Sask. The program includes the production for distribution to farmers of seedlings and cuttings of suitable species for prairie planting and the promotion and supervision of tree planting on farms. Distribution to prairie farmers is free in the case of broadleaf trees, while a small charge is made for evergreens.

9. Land Protection, Reclamation and Development in British Columbia

The Federal Government, through the Department of Agriculture, has made money available for land protection, reclamation and development in British Columbia under terms and conditions approved by the Governor in Council.

10. Land Protection and Reclamation; Clearing and Settlement of New Lands

The Federal Government, through the Department of Agriculture, has made money available for the land protection and reclamation and for the clearing and settlement of new lands under terms and conditions approved by the Governor in Council.

III - PROVINCIAL LEGISLATION AND POLICIES RELATING TO SOIL AND WATER CONSERVATION

A. NEWFOUNDLAND

1. The Crown Lands Act, S.N. 1930, c.15; 1937,c.4 am.; 1938, c.17, c.26 am.; 1940, c.35 am; 1941, c.18 am; 1942, c.23 am; 1943, c.49 am.; 1944, c.30 am; 1945, c.9 am.; 1949, c.27, 47, 95 am; 1950, c.11 am.

An Act respecting Crown Lands, Timber, Minerals and Water Power.

This Act prescribes the conditions and procedure for the management and disposal of Crown Lands, timber, mineral and water power resources in the Province of Newfoundland and Labrador. Administration of the Act is under the Minister of Mines and Resources.

Provision is made for the leasing and granting of Crown Lands for farming and grazing purposes. All leases for Agriculture are subject to certain conditions of land clearing and related improvements.

2. The Veterans' Land Settlement Act

This Act provides for the reservation of areas of Crown Land which may be granted in fee simple to the Director of the Veterans' Land Act Administration for the settlement of veterans for farming purposes. The Act is administered by the Minister of Mines and Resources.

3. The Land Development Act, S.N.1944, c.22; 1945, c.36 am; 1947, c.23 am; 1950, c.39 am; 1952, c.80 am.

This Act provides the legislative authority to establish land settlements and to reserve land for this purpose. The Act, which is administered by the Minister of Mines and Resources, is operative only in relation to special land development programs such as that undertaken by the Provincial Government in the re-establishment of veterans of World War II in

Agriculture, at the end of the War.

4. Land Development Policy

The object of this policy is to encourage greater and more efficient production of crops and livestock by increasing the acreage of improved lands. The Department of Mines and Resources assists farmers to clear new land, build access roads and improve old fields by providing the equipment necessary at fixed rental rates to carry out the work. The program receives financial support from the Government of Canada.

5. Agricultural Ground Limestone Policy

Under this policy ground limestone is provided to farmers at a cost of \$2.00 a ton in carload lots, delivered to the nearest railway station. As a soil amendment, limestone is necessary to the economic production of hay and pasture crops in the Province and is used at the rate of from two to five ton, an acre. The government of Canada assists in the cost of transportation.

6. Soil Surveys Policy

Soil surveys are being carried on in Newfoundland under the soil survey program conducted by the Experimental Farms Service in co-operation with the Provincial Department of Mines and Resources.

7. Pasture Improvement Policy

A program of wild pasture improvement has been initiated with the object of improving the quality and quantity of sheep and cattle pasture on the hills and semi-barren lands of the Province. Government owned and operated equipment will be used to break, lime and fertilize these areas.

8. Bogland Reclamation Policy

Plans have been approved to undertake a program of bogland reclamation including the surveying and classification of such area. As soon as the necessary equipment is available experimental work will begin in drainage, tillage, liming, fertilizing and seeding. The object of this development is to provide hay and pasture for increased livestock production.

B. PRINCE EDWARD ISLAND

1. Agricultural Encouragement Act, R.S.P.E.I. 1951, c.5

Under this Act the Minister of Agriculture is empowered to administer the agricultural affairs of the province and the moneys granted from the Legislature for the encouragement of agriculture and the dissemination of agricultural information, and it is his duty:

- (a) to take measures for the formation of Farmers' Institutes throughout the Province.
- (b) to take measures to obtain from other countries animals of new and improved breeds, new varieties of grains, seeds and vegetables, and other agricultural products for general and equitable distribution in the several districts as defined by the Lieutenant Governor in Council; and to adopt practicable measures generally to promote improvement in stock raising, dairying, horticulture and other branches of agriculture.

The Act further provides for the organization of Farmers' Institutes. The objects of such Institutes are:

"To promote Agricultural education; to disseminate information in regard to improved methods of soil cultivation, orchard management, construction of farm buildings, and all other matters relating to the advancement of Agriculture; to provide for the co-operative purchase of supplies required by the members, and to conduct the sale of Agricultural products."

Provision is made for the payment of annual grants to all such Institutes complying with the provisions of this Act.

2. Limestone Policy

The Limestone Policy is a joint one carried out with the assistance of the Federal Government. It is under the direction of the Department of Agriculture and provides for assistance to the users of agricultural ground limestone at the amount of \$2.50 per ton.

3. Soil Surveys and Soil Testing Policy

Soil surveys are conducted in Prince Edward Island under the Soil Survey program conducted by the Experimental Farms Service in co-operation with the Province. The Department of Agriculture also assists in the maintenance of a soil testing laboratory at the Experimental Station.

4. Forestry and Tree Planting Policy

The Department of Industry and Natural Resources, through its Forestry Division, is conducting an educational campaign to educate the public in forest conservation and to encourage the use of sub-marginal land, either by forest-tree planting or the encouragement of blueberries by controlled burning. A forest-tree nursery provides plantings for sub-marginal areas. Sound wood lot management practices are encouraged and demonstrated.

5. Water Conservation Policy

The Department of Industry and Natural Resources, through its Farm Improvement Division, assists in the construction of, or improvement of, dams on suitable sites, subject to certain control regulations.

C. NOVA SCOTIA

1. Agriculture and Marketing Act, S.N.S.1939, c.4; 1940,c.54; 1942, c.46 am; 1943, c.36 am; 1944, c.39 am; 1945, c.61 am; 1946, c.43 am; 1947, c.51 am; 1948, c.53 am; 1950, 41 am;

The provisions of this Act cover many aspects of the agriculture industry.....

"Part IX - Soil Improvement"

"A provincial chemist may be appointed to: carry on the work of analyzing and studying soils; determine the suitability of water, feed, sprays and other substances used for agricultural purposes; advise farmers as to the most economical and suitable use of fertilizers and other soil amendments.

"The Lieutenant Governor in Council is authorized to operate limestone or marl quarries, plans and warehouses for the production, manufacture and storing of agricultural limestone. Machinery and equipment may also be purchased or rented for the purpose. Provision is made whereby the Lieutenant Governor in Council may facilitate the economic distribution of agricultural limestone by reduced freight rates or in any manner advisable."

2. An Act to Provide for Carrying on Agriculture Demonstration Work, S.N.S. 1913, c.11

The Act provides that the Lieutenant Governor in Council may expend annually a sum not exceeding \$5,000 for the purposes of carrying on "Demonstration work in the growing of field crops, and other farming operations calculated to encourage improved methods of farming in the Province".

3. Ditches and Water Courses Act, R.S.N.S. 1923, c.150

This Act applies to municipalities and incorporated towns, and shall also apply as well to deepening or widening any ditch or drain already existing as to making a new ditch or drain.

The Act provides that"owners of adjoining lands which would be benefited by making a ditch or drain shall construct and maintain such ditches and drains in just and fair proportion".

4. An Act to Assist in the Purchase of Power Machines for Agricultural Purposes, S.N.S. 1917, c.11

This Act provides that the Lieutenant Governor in Council may, from time to time, on the recommendation of the Secretary for Agriculture, appropriate and grant such sums, not exceeding for any fiscal year the sum of \$3,000, for the purpose of assisting any municipality, agricultural society or persons, to purchase power ditching machines, power

clover hullers or other power machines, to be used for agricultural purposes or for the improvement of lands for such purposes".

5. Marsh Act, R.S.N.S.1923, c.149; 1925, c.66, 67 am; 1929, c.40 am; 1930, c.40 am; 1934, c.36 am.

Under this Act the proprietors of any tract of marsh may select a commission of three whose powers extend to the construction of new works and the maintenance of old works upon the tract. Regulations are set out regarding procedure before work is commenced, compensation damages to proprietors, apportionment among proprietors of expenses for works, and formation of new tracts.

6. An Act to Constitute the Commons Drainage Tract of Marsh, S.N.S. 1913, c.21

This Act authorizes the Lieutenant Governor in Council to designate certain areas of land a tract of marsh within the meaning of the Marsh Act, to be known as "The Commons Drainage Tract". Provision is also made for the appointment of a Tract Commissioner. The Commissioner is empowered to carry on drainage works, and including the cleaning out, renewal, enlargement of present streams, creeks, canals and ditches and the building and repair of aboteaux sluices, culverts and other like works as may be determined by a majority in interest of the proprietors of the said tract of marsh. He is further empowered to maintain, repair, enlarge and improve the works undertaken.

7. Marshland Reclamation Act, S.N.S.1949, c.2; 1950, c.61 am.

This is an Act to encourage the development and rehabilitation of marsh lands. It provides for "the appointment of a Marshland Reclamation Commission whose duty it is to advise the Minister of Agriculture and Marketing on matters related to the reclamation and protection of marshland and its development and maintenance for agricultural purposes and shall study and examine proposals for construction, reconstruction, repair, maintenance, conduct, or operation of works and shall make recommendations thereupon to the Minister."

The Act further provides for the incorporation of Marsh Bodies, upon receipt of a petition to that effect from two-thirds of the owners of marshland within the proposed Body who own together not less than one half of the marshland within the area. Under the Act, a Body may construct, reconstruct, recondition, repair, maintain, conduct and operate works and may enter into agreements with the Minister or other persons for the construction, reconstruction, reconditioning, repairing, maintenance, conduct or operation of works.

Subject to this Act, the Minister may enter into an agreement with the Government of Canada, with a Body or with any person "for the constructing, reconstructing, reconditioning, repairing, maintaining, conducting or operating of works at the joint expense of the parties to the agreement". The total contribution of the Minister toward the cost of any work performed pursuant to an agreement made under this Act may not

exceed one-half of the cost of the work to which the agreement relates.

8. Nova Scotia Water Act, R.S.N.S. 1923, c.26; 1931, c.17 am.; 1941, c.22 am.

This Act provides that "notwithstanding any laws of Nova Scotia, whether statutory or otherwise, or any grant, deed or transfer heretofore made, whether by the Crown or otherwise, or any possession, occupation, use or obstruction of any water course, or any use of any water by any person for any time whatever, every water course and the sole and executive right to use, divert and appropriate any and all water at any time in any water course is vested forever in the Crown in the right of the Province of Nova Scotia....".

9. Research Foundation Act, S.N.S.1946, c.9.

This Act establishes the Research Endowment Fund to be administered by the Board of Governors of the Research Foundation constituted under this Act, under the direction of the Lieutenant Governor in Council. The Foundation has charge of all matters affecting scientific and industrial research within the Province which may be assigned to it by the Lieutenant Governor in Council including investigations to improve the conditions of agriculture, fisheries, lumbering and mining or for the economic betterment, welfare and progress of the Province.

10. Tile Drainage Act, S.N.S. 1939, c.7

This Act provides that a municipality may borrow money for the purposes hereinafter mentioned, not exceeding \$50,000 in the whole, and for the issuing therefor debentures of the municipality. Such debentures may be issued by the municipality from time to time for the purpose only of loaning the proceeds thereof for tile, stone or timber drainage.

Owners of any land in the municipality desiring to borrow money for the purpose of tile, stone or timber drainage may do so subject to the provisions of this Act. The amount of such loan to any one person may not exceed \$1,000 or 75 per cent of the cost of the work.

D - NEW BRUNSWICK

1. Drainage of Farm Lands Act, S.N.B. 1951, c.147

Where it is necessary for the proper drainage of his farm land that a ditch or drain should be run through the property of an adjacent owner, this Act provides that a farmer must apply to the municipal council of the county within which the affected land is situated for permission to construct such ditch or drain. The council may authorize the construction if the applicant deposits with the county treasurer sufficient money to cover all damages to be caused to adjacent lands by the construction of the ditch or drain.

2. Farmers Relief Act, S.N.B.1951, c.155

This Act provides that a municipality may borrow money up to an amount not exceeding 75 per cent of the total valuation of the real estate in the municipality for the purpose of making loans to farmers in the municipality. Loans to an individual farmer may not exceed in the whole an amount equal to 75 per cent of the valuation of his farm land situated within the municipality, and the interest rate may not exceed six per cent. All loans made under this Act must be secured by a first mortgage on the farm lands.

Loans may be made under the provisions of this Act only for the following purposes:

- “(a) to discharge liabilities incurred for the improvement and development of land used for agricultural purposes, and any purpose calculated to increase land productivity;”
- “(b) to acquire land for agricultural purposes and the satisfaction of encumbrances on land used for such purposes;”
- “(c) to clear and drain land for agricultural purposes;”
- “(d) to erect farm buildings;”
- “(e) to purchase livestock and implements.”

3. Marshland Reclamation Act, S.N.B. 1949, c.22; 1950, c.50 am.; 1951, c.183.

An Act to encourage the development and rehabilitation of marsh lands.

The Act provides for the appointment of a Marshland Reclamation Commission whose duty it is to advise the Minister of Agriculture on matters related to the reclamation and protection of marshland and its development and maintenance for agricultural purposes and shall study and examine proposals for construction, reconstruction, repair, maintenance, conduct, or operation of works and shall make recommendations thereupon to the Minister.

The Act further provides for the incorporation of Marsh Bodies upon receipt of a petition from two-thirds of the owners of marshland who are within the proposed Body, who own together not less than one-half of the marshland within the area. Under the Act, a Body may construct, reconstruct, recondition, repair, maintain, conduct and operate works and may enter into agreements with the Minister or other persons for the construction, reconstruction, reconditioning, repairing, maintenance, conduct or operation of works.

Subject to the provisions of this Act, the Minister may enter into an agreement with the Government of Canada, with a Body or with any person "for the constructing, reconstructing, reconditioning, repairing, maintaining, conducting or operating of works at the joint expense of the parties to the agreement". The Act, as revised in 1951, authorizes

the Minister to enter into an agreement, in addition to those mentioned above, with the Hillsboro Marshland Commission. The total contribution of the Minister toward the cost of any work performed pursuant to an agreement made under this Act may not exceed one-half of the cost of the work to which the agreement related.

4. Tile Drainage Loans Act, S.N.B. 1944, c.45

An Act to provide for loans to Farmers for the Construction of Under-drains.

This Act provides for the establishment of the Tile Drainage Board. The Board is empowered to make loans to farmers for the purpose of enabling them to construct tile, stone or timber underdrains and all loans shall be made on the security of mortgages of the farm lands on which the drains are constructed and subject to the conditions contained in this Act. For the purposes of this Act the Lieutenant Governor in Council is authorized to raise, byway of loan, sums of money not exceeding in the whole \$100,000. The amount loaned to any one farmer under this Act shall not exceed \$1,000 or 75 per cent of the cost of construction of the drainage work.

5. An Act Respecting the Drainage of Farm Land, R.S.N.B. 1927, c.201.

This Act covers the construction of drains which cross two or more farms, subject to municipal control. No assistance for drainage work is provided.

6. An Act respecting Sewers and Marsh Lands in the Province of New Brunswick

This Act provided for the formation of marsh bodies or districts for the purpose of carrying on dyking and drainage works. It was superseded by the Marshland Reclamation Act, but is still on the statutes and will remain until all marsh areas are incorporated under the Marshland Reclamation Act. The Act will not be used in the future.

7. Soil Conservation Policy

The object of this policy is to encourage better land use, to control erosion and to promote greater and/or more efficient production of field crops. The Department of Agriculture is equipped to prepare land use capability maps, recommend conservation practices and to lay out and construct diversion ditches, waterways and cut-off ditches, as required. Technical assistance is provided by the Department and earth-moving equipment is made available for construction of works at a low rental rate.

8. Farm Land Improvement Policy

The chief object of this policy is to encourage greater and/or more efficient production of field crops by undertaking, where required, the construction of small open ditches and farm roads, land breaking, the removal of stones and stumps and the filling of gullies or other land levelling. The Department of Agriculture provides, at fixed rental rates,

the equipment necessary to carry out the work.

9. Assistance to Tile Drainage Policy

The object of this policy is to encourage greater and/or more efficient production of field crops where this can be accomplished by the installation of under-drainage. The Department of Agriculture, upon request, makes preliminary examination and cost estimates at no charge. A small charge is made for the required detailed surveys.

The Department assists those installing tile by payment of freight charges on the tile and makes available the required equipment and operators at the rate of \$0.05 for each foot of drain tile installed and \$1.00 for each junction constructed. The farmer supplies the tile and other materials, undertakes the required back-filling and provides board and lodging for the Departmental operators.

10. Agricultural Ground Limestone Policy

This policy is a joint one with the Government of Canada. Ground limestone is provided to farmers at a cost of \$2.50 per ton in carload lots, bulk basis, delivered to farmers or farm organizations at their nearest railway station. Lime in bags is available at extra cost to the purchaser and truck delivery rates to points not competitive with rail can be negotiated.

11. Soil Surveys

Soil surveys are being carried on in New Brunswick under the soil survey program conducted by the Experimental Farms Service in co-operation with the Province.

12. Tree Planting

A Provincial forest nursery is not maintained but some conifers for tree planting have been made available from Acadia Forest Experimental Station, Fredericton, N.B., and from sources outside the Province.

E. - QUEBEC

1. Department of Agriculture Act, R.S.Q. 1941, c.111; 1942, c.39 am; 1944, c.24 am.

Under this Act the Minister of Agriculture has the direction and administration of the Department of Agriculture.

The functions, powers and duties of the Minister are set forth in the Act.

The 1944 Amendment to the Act provides that the Minister of Agriculture may

undertake to execute any drainage work ordered be carried out under the municipal code of the Drainage Act (Revised Statutes of Quebec, 1941, Chapter 112) if he is requested to do so by the municipal authority charged with the execution of such work.

2. An Act to Organize Colonization according to Progressive and Rational Methods, S.Q.1945, c.33; 1949, c.39 am; 1950, c.62 am; 1950-51, c.14 am.

Under this Act the Government of the Province is authorized to carry cut, within eight years, a general plan of colonization in the Province. For such purposes the Minister of Colonization may:

- "(a)
- (b)
- (c) carry out the necessary work of land drainage and building of highways, roads, and bridges;
- (d) organize the clearing of land, the removal of stones and the preparation of the soil;
- (e)
- (f)
- (g)
- (h)

3. Colonization Promoting and Return to the Land Act, R.S.Q.1941, c.105

This Act provides for the appropriation of a sum of \$10 million for the purpose of promoting colonization and the return to the land, and especially for the granting of subsidies to diocesan colonization societies, to farmers who establish their sons on farms, to British subjects who wish to settle on land not being used, and to other settlers who need assistance for the construction of a house and a stable. It may also be used to make loans to persons for livestock, equipment and seed grain and to improve the regions where colonists have settled by the construction of roads and bridges, schools, colonization centres, etc. The Lieutenant Governor in Council may, as he sees fit, to promote colonization and the return to the land and, for the same purpose, to enter into any arrangement with the Federal Government or with any municipality in the Province.

4. An Act to enlarge the arable domain of the Province, S.Q.1946, c.31.

"Whereas it is in the interest of the Province and of Canada that wide expanses of land presently waste for want of proper drainage be improved;

"Whereas the improvement of such lands, by drainage, would be a valuable contribution to colonization, to agriculture....", this Act provides that the Lieutenant Governor in Council may authorize the Minister of Agriculture to enter into any agreement with the Federal Government for the execution of a program of drainage works in the Province.

5. The Drainage Act, R.S.Q. 1941, c,112; 1943, c.22 am; 1949, c.41 am; 1950, c.43 am.

This Act provides for the establishment of a "Drainage Bureau" whose duty it is to "establish a system for regulating drainage works, in collaboration with the municipal councils, the interested persons and the various governmental departments".

The municipal body charged with executing the work in a stated territory, or in whose name the Bureau has contracted for the execution of such works, must pay the entire cost of such works. A contribution, payable to the local municipality, is imposed on each land owner benefiting from such works.

6. Drainage Improvement Act, R.S.Q.1941, c.225; 1947, c.72 am.

An Act respecting loans by municipalities for the carrying out of drainage works.

This Act provides that the council of any town, village, or rural municipality may, from time to time, borrow sums of money not less than \$2,000 and not more than \$50,000 to be advanced to farmers for the purpose of inducing them to drain their lands, by assisting them in payment of the cost of such work. Advances may be made to any one farmer of not less than \$100 or more than \$1,000 but may be for no more than 75 per cent of the cost of such drainage work. Loans for such purposes are made on the recommendation of an inspector of drainage appointed under this Act.

7. An Act to promote the Drainage of Land, S.O.1945,c.34; 1946, c.33 am; 1947; c.42 am.; 1948, c.20 am.; 1949, c.40 am.

"Whereas certain lands in the Province are barren for want of drainage and whereas the improvement of such land by suitable drainage would render it fertile, assure a considerable expansion of the agricultural domain of the Province and promote a salutary policy of colonization", this Act authorized the Government of the Province to spend up to three million dollars for the drainage of land in the Province. The Minister of Agriculture has charge of the carrying out of this Act.

8. Water-Course Act, R.S.Q.1941, c,98; 1942, c.32 am; 1944, c.22 am; 1945, c.32 am.; 1947, c.38 am.; 1950, c.59 am.

An Act respecting the use of water courses and the Driving of Timber.

This Act provides that every owner of land may improve any watercourse bordering upon or passing across his property and may construct all the works necessary for its efficient working, such as flood-gates, embankments, dams, dykes etc., but no such works may be built which will affect public property or the property of third persons or public or private rights unless the site and the works have been approved by the Lieutenant Governor in Council.

The Act further provides that the lease of the beds and banks of navigable rivers and lakes, the bed of the sea, the sea-shore and land reclaimed from the sea, forming

part of the public domain, may be affected solely with the express authorization of the Lieutenant Governor in Council.

9. The Lands and Forests Act, R.S.Q. 1941, c.93

This Act governs the management of public forests and forest lands in Quebec. Section 164 of the Act reads as follows:

"So long as at least three hundred trees to the acre are kept, lands replanted in trees shall retain, for a period of thirty years, the valuation which they had before the planting; at the expiration of such period of thirty years, the municipal valuation of such plantations, provided they remain as wooded land, can only be changed every ten years."

F. - ONTARIO

1. Agricultural Committees Act, R.S.O. 1950, c.9

A committee consisting of not more than 15 persons may be formed in any county or district. A member of such a committee must be a farmer, farm woman, retired farmer, farm youth or an official of an agricultural organization.

The objects and purposes of an agricultural committee are:

- "(a)
- (b) to consider and make recommendations to appropriate authorities with respect to soil conservation, reforestation, weed control, health of animals, plant diseases, crop production, marketing problems and other matters advisable for the improvement of agriculture within the county or district;
- (c)
- (d)

2. Agricultural Development Act, R.S.O. 1950, c.10

This Act provides for the continuation of the office of Commissioner of Agricultural Loans whose duty it is to promote agricultural development by means of loans and in such other manner as he may deem advisable.

The Commissioner may make loans only for the following purposes:

- "(a) to (d) inc.....
- (e) for the purpose of providing tile drainage.
- (f) to (h) inc

The Act provides that no loan shall exceed \$7,500.00. Regulations are set out regarding qualifications of applicants for loans, mortgages incurred by such loans, and repayment of loans.

3. Tile Drainage Act, R.S.O.1950, c.392

Under the terms of this Act the council of any town, village or township may borrow money and issue therefor debentures of the municipality for the purpose of lending the proceeds thereof for tile, stone or timber drainage. Loans may be made for such purposes to owners of land in the municipality, and the amount loaned to any one person shall not exceed \$3,000 for each 100 acres or fraction thereof, or 75 per cent of the total cost of the work.

4. Ditches and Watercourses Act, R.S.O.1950, c.105

This Act provides for the construction of ditches for drainage of land. The cost of a ditch constructed under the terms of this Act may not exceed \$2,500. Regulations are set out regarding the construction, financing and maintenance of ditches.

5. Municipal Drainage Act. R.S.O. 1950, c.246

This Act provides for the undertaking of drainage works by municipalities upon a petition to that effect by the majority of owners of the lands to be benefited by said works. Such drainage work includes the construction of drains, the deepening, straightening, widening, clearing of obstructions or otherwise improving of any stream, creek or watercourse, the lowering of the waters of any lake or pond, or by any or all of such works as may be set forth in the petition.

Provision is made for assessing the lands and roads within the area to be benefited in order to determine the proportion of the cost of the works to be paid by every road and lot.

6. Municipal Drainage Aid Act, R.S.O. 1950, c.2147

To aid the financing of drainage works carried out under the Municipal Drainage Act the Lieutenant Governor in Council may authorize the investment of any surplus of the Consolidated Revenue Fund, not exceeding a total of \$500,000 at any one time, in the purchase of debentures issued by municipalities carrying out such works.

7. Provincial Aid to Drainage Act, R.S.O.1950, c.295

This Act provides that the Lieutenant Governor in Council, on receiving from a municipality constructing drainage works in accordance with the Municipal Drainage Act a petition setting forth the reasons why the whole cost of the work should not be assessed upon the land which would be liable to assessment therefor under the said Act, and that aid should therefore be granted, may upon the practical completion of the work pay to the treasurer of the municipality:

- (a) where the work is in a county, $33 \frac{1}{3}$ per cent; or
- (b) where the work is in a municipality in a territorial district or a provisional county, $66 \frac{2}{3}$ per cent, of the cost of the works.

Where the drainage work is in a territorial district but not in a municipality the Lieutenant Governor in Council may pay an amount not exceeding 80 per cent of the cost of the work.

8. Conservation Authorities Act, R.S.O. 1950, c.62; 1952, c.11 am. R.S.O. 1950, c.135.

Under the Act the councils of any two or more municipalities situated either wholly or partly within a watershed may petition the Minister of Public Works for the establishment of a conservation authority for the watershed or any part of it. Upon the fulfilment by the municipalities of the conditions set out in the Act, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities which may participate and the area over which the authority will have jurisdiction.

Members of an authority are to be appointed by the councils of the participating municipalities in the following members: where the population exceeds 50,000, three representatives; between 10,000 and 50,000, two representatives; and less than 10,000 one representative. Where the Lieutenant Governor in Council makes a grant to an authority he may appoint a member of the authority.

The objects of an authority, as set out in the Act, are "to undertake and effect such scheme or schemes in respect of the watershed or part thereof for which it is established as the authority may determine".

Before proceeding with a scheme an authority must file plans and a description with and obtain the approval of the Minister of Lands and Forests, the Minister of Planning and Development and the Minister of Public Works and must obtain the approval of the Ontario Municipal Board.

For the purposes of carrying out a scheme an authority has power:

- (a) To study and investigate the watershed and to determine a scheme whereby the natural resources of the watershed may be conserved, restored and developed and the waters controlled in order to prevent floods and pollution or any of such matters;
- (b) subject to the provisions of the Lakes and Rivers Improvement Act, to erect works, structures and create reservoirs by the construction of dams or otherwise;
- (c) to purchase or acquire and without the consent of the owner appropriate any land which it may require;
- (d) to enter into such agreements for the purchase of material, employment of labour and such other purposes as may be necessary for the carrying out of any scheme;
- (e) to collaborate with departments and agencies of government, municipal

councils and local boards and other organizations;

- (f) to plant and produce trees on public lands with the consent of the Minister of Lands and Forests, and on private lands with the consent of the owner, for any purpose;
- (g) to cause research to be done;
- (h) generally to do all such acts as are necessary for the carrying out of any scheme;

The Act prescribes that the portion of the money required for capital expenditure in connection with any scheme which each participating municipality shall raise must be in the same proportion as the benefits derived by each such municipality bears to the total benefit derived by all participating municipalities. The proportion paid annually by each participating municipality towards the cost of maintenance is determined in the same manner.

The Act further provides that the Lieutenant Governor in Council may make a grant to any authority out of such funds as may be appropriated by the Legislature for that purpose.

9. Interprovincial Drainage Act, R.S.O. 1950, c.185

Wherever for the purpose of securing better drainage it is deemed necessary to extend drainage works from Ontario into or through lands in an adjoining province, or to extend a drainage work from an adjoining province into or through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister of Public Works to enter into an agreement with the designated officer of the adjoining province as to the proportion of the cost of the work to be borne by each Province.

10. Research Foundation Act, S.O.1944, c.53

An Act respecting the Ontario Research Foundation.

This Act provides for the continuation of the Ontario Research Foundation as a body corporate whose objects shall be the carrying on of research, studies and investigations, particularly those having for their objects:

- "(a) the conservation, development and utilization of the natural resources of the Province;
- (b)
- (c) the development and improvement of methods in the agricultural industry and the betterment, welfare and progress of farm life.
- (d)
- (e)

Provision is made for the appointment of a Board of Governors to manage the affairs

of the Foundation and exercise its powers.

11. Junior Farmer Establishment Act, S.O.1952, c.45

An act to incorporate the Ontario Junior Farmer Establishment Loan Corporation for the Purpose of Assisting Young Farmers.

The Act authorizes the corporation to raise money by way of loan, any sums of money not exceeding in the aggregate \$10 million outstanding at any time.

12. The Nursery Stock Act, R.S.O. 1937, c.43

This Act provides that trees obtained from Ontario Government nurseries cannot be resold.

13. The Municipal Reforestation Act

This Act empowers municipalities to pass by-laws for the acquisition of lands for reforestation, and to enter into agreements for the management of these lands. Such by-laws are subject to approval by the Minister of Lands and Forests.

14. The Trees Conservation Act, S.O.1946, c.102

This Act empowers councils of counties to pass by-laws, subject to approval by the Minister of Lands and Forests, to regulate the cutting of trees.

15. The Assessment Act, R.S.O.1937, c.272 am.

This Act provides for exemption from taxation of one acre of woodland for every 20 acres of land in a farm to a maximum of 20 acres of woodland, and prohibits increase of assessment because of reforestation to the same extent.

16. Soil Testing

Provincial laboratories are maintained at four locations throughout the Province where soil samples are tested free of charge. The results are used as a basis for making soil fertility recommendations.

17. Soil Surveys

An inventory of the soil resources of the Province is being made on a co-operative basis between the Ontario and Canada Departments of Agriculture.

18. Agricultural Limestone Policy

The use of agricultural limestone is encouraged by a lime subsidy policy.

19. Farm Planning Service

A farm planning service is available to farmers. The service includes the development of soil management and cropping practices according to the capability of the land and the type of farming practised.

20. Soil Management and Land Use Advisory Service

Advisory Service concerning soil management and land use on individual farms is available through the various extension services of the Provincial Department of Agriculture.

21. Farm Ponds

Advisory Assistance is available for the selection of sites and the construction of farm ponds.

22. Soil and Crop Improvement Associations

Educational and demonstration projects, directed towards developing improved soil management and cropping practices, are carried out by Soil and Crop Improvement Associations.

G - MANITOBA

1. Land Drainage Arrangement Act, R.S.M. 1940, c.109; 1941-42, c.31 am; 1943, c.27 am; 1946, c.23 am; 1947, c.25 am; 1952, c.38 am.

An Act respecting certain Land Drainage Works in certain Municipalities.

The Act provides for the establishment of drainage maintenance districts and for the formation of a board of maintenance trustees within each district. Regulations are set out regarding the constitution and jurisdiction of the board, the power of a municipality to pass by-laws levying rates on land to enable them to assume liability for drainage, the construction or extension of works, municipal liability for maintenance of drainage works, protection of works from soil drifting, and use of drains by outsiders.

2. Land Rehabilitation Act, R.S.M. 1940, c.110; 1940 1st. Sess. c.27 am.

An Act to provide for the rehabilitation of Drought and Soil Drifting Areas in the Province.

Part I of the Act contains provisions implementing the Prairie Farm Rehabilitation Act (Canada). A municipality is empowered to do anything contemplated under the Prairie Farm Rehabilitation Act (Canada) "to secure the rehabilitation of any drought and soil drifting area within or partly within the municipality and to develop within that area systems of farm practice, tree culture, water supply, land utilization and land settlement that will afford greater economic security...."

Part II, entitled "Control of Tillage", provides that a municipality may, by bylaw, "provide for the regulation and control of tillage practices which, in the opinion of the council, are liable to cause rapid soil deterioration by wind erosion".

Part III contains general regulations for the efficient working of this Act.

3. Water Rights Act, R.S.M.1940, c.230

An Act respecting Water Rights.

"The property in and the right to the use of all water at any time in any river, stream watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown...." No person shall divert or use any water from, and no person shall construct or cause to be constructed any dam or other works for the impounding of water in any body of water otherwise than under the provisions of this Act, except in the exercise of a legal right existing at the time of such diversion or use or construction. However, nothing contained in this Act shall interfere with or be understood as intended to interfere with the right of any person owning or occupying any land which adjoins any body of water to use such quantity of its waters as he may require for domestic or industrial purposes on the land, but he shall not be entitled to the right of impounding or diverting any water he may require unless authority to do so has been obtained under the provisions of this Act.

Regulations are set out regarding licensing of companies and persons who wish to impound, divert or use water, methods of acquiring rights to water and authorization for the construction of works, expropriation of land and amalgamation of water using companies.

H - SASKATCHEWAN

1. Conservation and Development Act, S.S.1949; 1952 ch.76 am; R.S.S.1955, c.203.

An Act to assist Conservation and Development of the Agricultural Resources of Saskatchewan.

The Minister may, in his discretion, upon petition or application or without such petition or application, by order, establish conservation and development areas if in his opinion land therein is being benefited or can be benefited by means of works.

The Act further provides that "subject to the consent of the Minister, where an area authority is of the opinion that construction of works is necessary to save, conserve or develop any land or water resource within its area, it may pass a resolution or by-law authorizing the construction of such works and may, subject to the provisions of this Act, construct and operate such works". The area authority is responsible for the maintenance of works in the area.

Provision is made for the election in each area of a governing body known as the area authority. Regulations are set out regarding the powers of the area authority, the assessment of benefited lands in an area, a court of revision to deal with claims of wrongful assessment, and collection of rates.

2. Drainage Act, R.S.S.1940, c.242; 1948, c.93 am.

An Act respecting Drainage.

The Act provides that, "upon receipt of a petition signed by the resident owners of at least two-thirds of the total area of the lands of resident owners lying within the area sought to be drained as described in the petition, the Minister may, for the purpose of ascertaining whether the drainage work is required and the probably cost thereof, instruct an engineer to make an examination and report of the area sought to be drained, the stream, creek or watercourse sought to be deepened, straightened, widened, cleared of obstructions or otherwise improved, or the lake or pond the waters of which are sought to be lowered

"The engineer shall investigate the feasibility and utility of the proposed drainage work and shall make a preliminary report thereon and, if instructed by the Minister, shall prepare a complete report, including plans, specifications, estimate of cost and an estimate of the area to be benefited in each parcel, stating, as nearly as may be, in his opinion, the proportion of the cost of the work which should be born by each parcel."

Regulations are set out regarding amendment of the petition for inclusion of lands to be benefited and exclusion of lands not to be benefited, withdrawal of names from the petition, appeals by owners against the proposed assessment of their lands, construction and maintenance of drainage works, claims for damages caused by works undertaken under this Act, financing the costs of drainage works, and collection of assessments by the municipality.

3. Irrigation Districts Act, R.S.S.1940, c.244; 1941, c.71 am.; 1948, c.95 am.

An Act respecting Irrigation.

The Act provides for the organization of irrigation districts on petition of the majority of the owners who collectively own at least one-half of the land area within the proposed district and for the election of a board of trustees in each district. Regulations are set out regarding election proceedings, powers of the board of trustees, action of the Local Government Board as an advisory council, expropriation of lands required in connection with irrigation works, compensation for such expropriation, construction of works, assessment roll, a court of revision to deal with complaints of owners as to being wrongfully assessed by-laws for raising a loan to cover the cost of an irrigation project, collection of taxes, and actions for damages in respect of damage caused by seepage or overflow of water from the works.

4. Private Ditches Act, R.S.S.1940, c.243; 1948, c.94 am.

An Act respecting the Construction and Maintenance of Small Ditches by the Owners of Lands to be benefited.

Ditches constructed under this Act are not to exceed an estimated cost of \$5,000 and are not to pass through or into more than ten quarter-sections. The owners of land lying within one mile of a ditch are liable for the construction of the ditch. Regulations are set out regarding the filing of applications for construction of a ditch, appointment of an engineer by the municipal council to carry out the provisions of this Act, appeals from awards of the engineer, construction of ditches or culverts on railway lands, and maintenance of ditches constructed under the Act.

5. Reclamation Act, R.S.S.1940, c.246; 1948, c.97 am.

An Act respecting the Reclamation of Lands.

Small drainage projects on Crown lands may be undertaken under Part I of this Act without having to comply with the provisions of the Private Ditches Act. Regulations are set out regarding expropriation of land required for the project, compensation for expropriation, maintenance of works and limit of extent of works.

Part II provides for the purchase by the Minister from the Government of Canada of Dominion lands which are included among the lands benefited in a drainage district established under the Drainage Act. Regulations are set out regarding the disposal of lands thus purchased.

Part III of the Act makes regulations regarding drainage work carried out by the Government of Canada on Dominion lands in accordance with the provisions of the Drainage Act and provides for the disposal of such lands after completion of the works.

6. Water Rights Act, R.S.S.1940, c.41; 1949, c.15 am.

An Act respecting Water Rights.

The property in and the right to the use of all water at any time in any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown and no person shall divert or use any water from, and no person shall construct or cause to be constructed any dam or other work for the impounding of water in any stream, etc., otherwise than under the provisions of this Act, except in the exercise of a legal right existing at the time of such diversion or use or construction. The Act provides methods for the acquiring of rights to use water, for authorization for the construction of works, for expropriation, for licenses and the priority of licenses, for complaints and inspections, and for the amalgamation of water using companies.

7. Water Users Act, R.S.S.1940, c.245; 1941, c.72 am; 1950, c.75 am.

An Act respecting Water Users' Associations.

Under the Act, three or more resident ratepayers of a proposed district may present a petition to the Minister for the establishment of a water users' district. The Act provides for the incorporation of such petitioners, and such other persons as may become members, into a Water Users' Association. Regulations are set out regarding the duties and powers of such associations, the board of directors, meetings and membership of the associations, the assessment roll, and the expropriation of lands.

All rentals, rates or prices payable by any person, firm or corporation for water supplied by the Crown shall be a lien or charge upon all crops grown on the land described in the agreement with the Crown and upon all cattle belonging to such person, firm or corporation and upon the proceeds of sale of such grain and cattle.

8. Soil Drifting Control Act, R.S.S.1940, c.203; R.S.S. 1953, c.216 am.

An Act respecting the Control of Tillage Operations.

A council of a rural municipality may pass by-laws regulating tillage practices in order to prevent soil deterioration by wind erosion. Such a by-law may contain provisions requiring "strip farming, the growing of cover crops, the providing of trash cover or the spreading of straw or other refuse on cultivated lands, prohibiting the burning of stubble, prohibiting the cutting or requiring the planting of trees, requiring prohibiting or governing the use of specified kinds of machinery, governing tillage operations and regulating or prohibiting the growing of crops in specified areas". Every by-law must be approved by the Minister of Agriculture and by three-fifths of the electors.

9. Land Utilization Act, S.S.1950, c.64

An Act respecting the Utilization of Certain Lands.

The Act provides for the establishment of a Land Utilization Board and of a Land Utilization Advisory Council.

The Lieutenant-Governor in Council may declare any specified portion of the Province an area for the purposes of this Act and may from time to time increase or decrease any area.

The Lieutenant-Governor in Council may:

- (a) direct that any lands within an area shall be dealt with in such manner as appears to be advisable for the benefit of the residents of the area;
- (b) close up road allowances within any area;
- (c) order a compromise of any taxes in respect of any land in an area and fix the

amount, manner and time of payment;

- (d) order that from a specified date any rural municipality within an area shall be dissolved, and, upon dissolution, exercise all the powers and duties conferred upon the council prior to dissolution.
- (e) arrange for the payment of any debenture indebtedness of any school district within an area;
- (f) generally do all such acts and things as may be deemed necessary or advisable for carrying out the purposes of this Act.

For the purposes of this Act, "designated land" means "land designated by the board as land which, by reason of its physical character or its low productivity and returns under the common methods of use or by its susceptibility to wind or water erosion or other forms of deterioration under the common state of cultivation, should in the opinion of the board be made subject to the provisions of this Act."

In addition to any powers delegated to it by the Lieutenant-Governor in Council, the Board may:

- (a) acquire in the name of His Majesty any designated land;
- (b) dispose of lands held by it in the name of His Majesty;
- (c) set aside for grazing purposes any lands which have been acquired by it and make regulations governing the use of such lands;
- (d) establish, maintain, conduct, manage and control community pastures and make regulations governing the use of such pastures;
- (e) undertake, conduct and carry out any project or scheme for the utilization of designated land;
- (f) expend money received for the use of lands under the control of the Board for the betterment of such lands and for the purpose of investigating the means of water supply and procuring water for such lands;
- (g) require an occupant of land to refrain permanently or for a specified time from cultivating any portion of the land and to sow the land to grass or manage it in such other manner as the Board may direct;
- (h) aid in the removal and transportation of occupants of designated land;
- (i) expend any moneys appropriated by the Legislature for the administration of this Act;
- (j) arrange with the Minister for carrying out any project or scheme for the

conservation and development of designated land or any land in an area.

Certain lands within an area owned or later acquired by a rural municipality under the Local Improvement Districts Act shall not be disposed of without previous consent of the Board.

Regulations are set out regarding methods of handling outstanding taxes, acquisition of title to certain lands and expropriation of lands by the Board.

10. Agricultural Representatives Act, S.S.1945, c.76.

This Act deals with the appointment of Agricultural Representatives and such other officials as may be required to maintain an Agricultural Representative Service.

Provision is also made in the Act for the formation of one or more Agricultural Conservation and Improvement Districts, consisting of such municipalities or local improvement districts as are named in the order.

The Act provides for the establishment of the Agricultural Conservation and Improvement District Board and regulations are set out regarding its membership, meetings, duties and expenses. Every Agricultural Representative District is considered an Agricultural Conservation and Improvement District.

11. Irrigation Policy

The Saskatchewan Department of Agriculture Irrigation Policy is based on the belief that effective use of irrigation projects depends on local responsibility and control, favourable economic arrangements and sufficient technical information. In the case of large projects, where Canada has undertaken the construction, maintenance and operation of main reservoirs and connecting canals, Saskatchewan assumes responsibility for secondary installations, technical services and advice to the Irrigation District or Water Users' District. The irrigation project development program is divided into four phases:

(a) Investigation; (b) Organization; (c) Construction, and (d) Operation and Maintenance.

12. Drainage Policy

The Saskatchewan Department of Agriculture Drainage Policy was formulated to assist farmers in increasing crop production by removing excess water from land. The main principles are as follows:

- (i) Lands improved by drainage shall bear the cost of water control works and of their maintenance, according to degree of benefit.
- (ii) The Department of Agriculture will provide free engineering services for the survey, design and construction of the project and legal surveys for right-of-way.

- (iii) The conservation area will operate and maintain the works during the life of the project to the satisfaction of the Minister of Agriculture. The Department shall provide such engineering services and advice as may be required to assure proper care, satisfactory functioning and efficient management of the works.
- (iv) The Government of Saskatchewan will purchase such amount of a conservation area debentures as may be determined after due consideration of the economic feasibility of the project and of the financial position of the area by a committee appointed for the purpose.
- (v) Ditches required to intercept flood waters flowing from Provincial Forest Reserves in northeastern Saskatchewan and damaging agricultural land may be constructed at the cost of the Department of Agriculture, providing that owners of lands benefited shall organize a conservation area and take responsibility for operation and maintenance of such works.

13. Earned Assistance Policy for Agricultural Improvement Projects

(a) Project Survey and Study

The purpose of this policy is to facilitate activities essential to planning agricultural improvement projects and programs. In so far as it relates to conservation, assistance is available for Land Use Surveys, as well as Special and Supplementary Land Use Surveys relating to pasture and fodder, soil and water conservation, irrigation and drainage and erosion control. Financial assistance available under this program is limited to \$1,000 per Agricultural Representative District and shall not exceed \$300 in any one Rural Municipality or Local Improvement District.

(b) Pastures

The purpose of this policy is to increase grazing resources and thus improve livestock production. Earned assistance is provided for each project on the basis of a 50 per cent contribution from the Saskatchewan Department of Agriculture and a 50 per cent contribution from the Rural Municipality, Local Improvement District or Co-operative Association.

(c) Water Development (Livestock Production)

This policy is intended to provide stock watering facilities in districts where acute shortages of water for stock watering purposes prevail north of the P.F.R.A. boundary. Assistance up to 50 per cent of the cost of each dugout or dam is provided up to a maximum of \$125.00.

(d) Seeding Roadsides to Grass

The purpose of this policy is to assist municipalities in seeding municipal and public roadsides to grass as a means of controlling weeds and brush and improving visibility and

appearance. Fifty per cent of the cost of seed and of the seeding operation is borne by the Province.

(e) Gully Control Demonstration

This policy is designed to provide demonstrations in gully prevention and control. Under certain conditions earned assistance equal to one-half of the cost of filling, seed and seeding operations may be provided.

(f) Pasture Reclamation Demonstrations

Under this policy assistance, to a maximum of \$250.00, may be provided for clearing, breaking, cultivation treatment with chemicals, forage crop seed and fertilizer in order to assist Agricultural Committees to carry out a demonstrational program on pasture reclamation.

(g) Tree Planting Machines

Earned assistance equal to one-half the cost of tree planting machines, up to a maximum of \$400.00, will be paid to assist Rural Municipalities, local Improvement Districts and legally incorporated Field Shelterbelt Associations, so that tree planting operations may be facilitated and speeded up. The assistance is limited to one machine per group eligible.

(h) Roadside Tree Planting and Field Shelterbelts

This policy is intended to encourage planting of hedges and windbreaks along public roads as field shelterbelts to facilitate winter travel, reduce soil and snow drifting and add beauty to the landscape. Under certain conditions, earned assistance equal to half the cost, up to a maximum of \$5.00 per rod, will be paid to those eligible, i.e. Rural municipalities, Local Improvement Districts or legally incorporated Field Shelterbelt Associations.

14. Regrassing of Lands Leased for Grazing Since 1947

The purpose of this policy is to encourage, with certain conditions, the improvement of Crown-leased grazing lands through breaking and seeding to cultivated grasses.

15. Breaking and Clearing New Land

This policy applies to Crown & V.L.A. Land, where land is leased to an adjoining farm to make the farm unit economic or to create a basic farm unit. Where clearing and breaking costs more than \$12.50 per acre, the Department will pay up to \$25.00 per acre on a maximum of 50 acres until the lessee has 100 acres under cultivation. Where a lessee has 100 acres under cultivation the Department will pay up to 25 acres of clearing and breaking in any one year. Where clearing and breaking costs less than \$12.50 per acre, no payment is made, but the lessee may retain the government crop share until the costs are recovered.

16. Forage Crop Demonstrations

The object of this policy is to assist Agricultural Representatives in conducting demonstrations in their district for the following purposes:

- (i) To illustrate the value of grass legume mixtures for hay and pasture production or for soil improvement.
- (ii) To determine the value of new promising grasses for hay and pasture use under practical conditions.
- (iii) To conduct fertilizer demonstrations on hay and pasture fields.
- (iv) To demonstrate pasture improvement through the use of chemical treatments.

17. Soil Surveys

Soil surveys in Saskatchewan are conducted jointly by the Canada Department of Agriculture, the Saskatchewan Department of Agriculture and the University of Saskatchewan.

I - ALBERTA

1. Irrigation Districts Act, R.S.A.1942, c.98; 1947, c.40 am; 1949, c.51 am; 1951, c.45 am.

An Act respecting Irrigation Districts.

The Act is divided into eight parts. Part I, entitled "General Provisions", provides for the establishment of irrigation districts and a Board of Trustees for each district, and makes regulations regarding the constitution and general powers of the board, eligibility of trustees, authority for the construction of works, issue of debentures, the formation of a water users' association, etc. Provision is also made for the establishment of an irrigation council to advise every board on the conduct of the affairs of its district.

Part II, entitled "Elections", makes regulations as to the procedure at elections for the formation of a district and a board of trustees.

Part III, entitled "Assessment", sets out regulations regarding the assessment-roll and makes provisions for the hearing of complaints of persons wrongfully assessed, etc.

Part IV provides for the recovery of rates in arrears, and for the seizure of goods and chattels and sale of lands in case any person fails to pay the rates assessed against him.

Part V makes provisions for the change of content and for the dissolution of a district.

Part VI sets out regulations regarding the expropriation of land required for irrigation works and compensation for such expropriation of land.

Part VII provides for executions against districts.

Part VIII sets out penalties for interference with irrigation works and general rules and regulations.

The 1951 amendment empowers the Lieutenant-Governor in Council to enter into agreements with irrigation districts providing for the development of irrigation projects and the construction and maintenance of the irrigation works within Alberta and provides for the payment by the Province of a portion of the costs incurred under any such agreement.

2. Eastern Irrigation District Act, R.S.A.1942, c.101; 1949, c.39 am.

An Act to Incorporate the Eastern Irrigation District.

The Act provides for the constitution of the Eastern Irrigation District to which, subject to the provisions of this Act, all the provisions of the Irrigation Districts Act apply as if it had been constituted under that Act. In Part I of the Act regulations are set out as to the powers of the Board of Trustees and as to the property, rights and liabilities vested in the Board. Part II of this Act sets out special provisions affecting the Eastern Irrigation District over and above the provisions of the Irrigation Districts Act.

3. United Irrigation District Act, R.S.A.1942, c.103

An Act respecting the United Irrigation District.

The Act provides for the distribution, between the municipal district and the irrigation district, of the proceeds from the sale of any parcel of land situated within a municipal district. Regulations are set out regarding the application of proceeds of sale in the district. In addition, the Act sets out the powers of the Irrigation Council with respect to land affected by rate enforcement proceedings. In case of any conflict arising between the provisions of this Act and any of the provisions of the Irrigation Districts Act or of the Municipal District Act, the provisions of this Act prevail.

4. Irrigation Projects Act, S.A.1949, c.52; 1950, c.33 am.

An Act respecting the Development of Irrigation Projects.

The Act provides that the Lieutenant-Governor in Council may from time to time "enter into agreement or agreements with the Government of the Dominion providing for the development of irrigation projects and the construction and maintenance of irrigation works within the Province, and providing for the payment by Alberta of a portion of the costs incurred under any such agreement..." Regulations are set out regarding the appropriations of funds to carry out the provisions of this Act. The Minister of Water Resources and Irrigation is charged with the administration of this Act.

5. Western Irrigation District Act, S.A.1944, c.16

An Act to incorporate the Western Irrigation District.

This Act provides for the formation into the "Western Irrigation District" of all lands of owners and purchasers who signed the petition to the Minister for the formation of an irrigation district and the lands of owners and purchasers who were entitled by agreement with the Canadian Pacific Railway Company to obtain water from their irrigation system. The irrigation works are vested in the Board of Trustees of the district and that body has assumed the powers and responsibility formerly held by the Railway Company. Regulations are set out regarding the election of the Board of Trustees, the powers of the Board, the appointment of the General Manager of the District, and the assessment-roll. Except as otherwise provided in this Act, the provisions of the Irrigation Districts Act shall apply to the Western Irrigation District.

6. St. Mary and Milk Rivers Development Act, S.A.1950,c.68

An Act respecting the St. Mary and Milk Rivers Development.

This Act ratified an agreement made between His Majesty in the right of the Province of Alberta, the Alberta Railway and Irrigation Company and the Canadian Pacific Railway Company. On March 27, 1946, save as the Act otherwise provides, the entire undertaking and works described in the said agreement and the estate, right, title and interest in and to the lands described in the Schedule of the agreement and all canal rights of way are vested in His Majesty, and from and after January 1, 1946, all the powers, privileges, duties and responsibilities of the irrigation company, the original companies and the Pacific Company in respect of the undertakings and works shall be the powers, privileges, duties and responsibilities of His Majesty.

The Act empowers the Government of Alberta:

- (a) to maintain and operate the undertaking and works;
- (b) to alter, improve, extend and add to the undertaking and works;
- (c) to sell, transfer or otherwise dispose of the undertaking and works or any part thereof to any irrigation district, municipality or other body authorized to acquire and operate the same;
- (d) to enter into any agreement approved by the Lieutenant-Governor in Council with the Government of Canada involving or affecting in any way the undertaking and works.
- (e) Provision is made for the appointment of a manager of the St. Mary and Milk Rivers Development whose duties and powers are set out in the Act. Regulations are set out regarding water right payments, water rates, recovery of water rates, and right of expropriation.

The Act further provides for the appointment of the St. Mary and Milk Rivers Development colonization manager who may also be the aforementioned manager of the St. Mary and Milk Rivers Development and for the appointment of an advisory committee to advise the colonization manager as regards to the purchase, sale and leasing of land, borrowing money for the purpose of this Act, and loans to water users.

7. New West Irrigation Transfer of Assets Act, S.A.1952, c.62

This Act authorizes the Board of Trustees of the New West Irrigation District to execute an agreement with the Minister of Agriculture of Canada whereby the Board transfers to the Minister all its right, title and interest in and to the entire irrigation works owned by the Board, and all rights, powers and privileges vested in the Board with respect to the district. The terms of the agreement are set out in Schedule I of the Act.

For his part, the Minister agrees to supply water for irrigation purposes to lands within the irrigation district, at the same rate and upon the same terms as water is supplied for irrigation purposes to lands in the Bow River Development.

8. Drainage Districts Act, R.S.A.1942, c.99; 1943, c.20 am; 1949, c.38 am; 1950, c.20 am.

An Act respecting Drainage Districts.

This Act prescribes the procedure for the organization, construction and maintenance of large drainage work systems in incorporated "Drainage Districts". Under the provisions of this Act, seven drainage projects have been established, covering a total of 179,845 acres, and costing in excess of \$685,000 including large contributions from the provincial government.

9. Private Ditches Act, R.S.A.1942, c.172.

An Act respecting the Construction and Maintenance of small Ditches by the owners of Lands to be benefited.

The Act sets out the procedure to be followed by owners of land applying for the construction of ditches under the provisions of this Act. Provision is made for the appointment of a board of assessors by the owners of lands which will be affected by the ditch and for the appointment of an engineer to direct the project. Regulations are set out regarding appeals from awards of the board, letting contracts for work, and maintenance of ditches.

10. Water Users' Districts Act, R.S.A.1942, c.105; 1949, c.107 am.

An Act to provide for the Creation of Water Users' Districts.

Under this Act provision is made whereby "owners of at least half of any tract of land within an irrigation district or which is served or proposed to be served by an irrigation system belonging to any corporation or person desire that such tract should be

formed into a water users' association, governed by a board of managers, with the privileges, rights and duties hereinafter set out, they shall proceed as is hereinafter prescribed". The Act requires that said owners request, in writing, to the Board of Trustees of the irrigation district within which the tract is situated or to the company or person owning the irrigation system by which they are or wish to be served to consent to the formation of a water users' association. Regulations are made regarding the first and annual elections for the board of managers for the district; the registration of the association; the powers and duties of managers; the maintenance of irrigation districts; penalties for neglecting maintenance or obstructing ditches.

Water users' districts formed under any other Acts are continued and are subject to the provisions of this Act so long as this does not invalidate any acts of the board of trustees appointed under the provisions of these other Acts.

11. Water Resources Act, R.S.A. 1942, c.65; 1943, c.18 am; 1947, c.36 am; 1948, c.38 am; 1949, c.106 am.

An Act respecting Water Resources.

Under Part I of the Act: "No person shall divert any water in the Province, and no person shall construct or cause to be constructed any works for the diversion of any water or any works which interfere with the flow of water in any river, stream, water course, lake, spring, ravine, canyon, lagoon, swamp, marsh, or other body of water in the Province otherwise than under the provisions of this Act and the Regulations, except in the exercise of a legal right existing at the time of the diversion or construction".

However, "Provided always that nothing in this Act shall interfere with or be understood as intended to interfere with the right of any person owning or occupying any land which adjoins any river, stream, lake or other body of water upon any Provincial lands, to use such quantity of that water as he may require for domestic purposes on the land, but he shall not impound or divert any water from any body of water as aforesaid by means of any works unless and until he has been authorized so to do under the provisions of this Part". Part I also makes regulations regarding the acquisition of rights to use water, the construction of works, the expropriation of land, licenses and licensees, complaints and inspection, expropriation of works by Government and by-laws, regulations and tariffs of companies. Part II makes general regulations regarding water power. Part III sets out the powers of the Lieutenant-Governor in Council and of the Minister charged with the administration of the Act and also provides for the constitution of a Board to regulate the use of interprovincial boundary waters and for the appointment of a Director of Water Resources to carry out this Act.

By the 1943 amendment the Minister is empowered to enter into an agreement with the federal government "providing for the investigation, construction and operation of water development and conservation projects in the Province of Alberta by the Government of Canada"

12. Control of Soil Drifting Act, R.S.A.1942, c.81

An Act to encourage Methods of Cultivation to Control Soil Drifting.

Any occupier of land who summerfallows without regard to any one of certain soil control measures enumerated in the Act shall be liable for damages as a result of soil blowing from such summerfallow in an amount not exceeding one hundred dollars for each one-quarter section of land (160 acres) or in proportion thereof for lesser amounts.

13. Public Lands Act, S.A.1949, c.81; 1950, c.53 am.

An Act Respecting Public Lands.

The Public Lands Act provides for the zoning of the province into two areas, one where settlement is permitted and the other that is withheld from settlement. The areas withheld from settlement are classed as unsuitable due to location, unsuitability of the soil, or their value for commercial timber production. The boundary between these areas is periodically adjusted.

Homestead leases on parcels up to 320 acres are granted only after inspection determines that the parcel will make a suitable farm unit. A parcel must have a minimum of 50 per cent suitable for cultivation. Leases are on a 20-year renewable basis. After completing 5 years of cultivation and residence duties the lessee may purchase the land.

The Act provides for the leaving of shelter-belts in wooded areas and the planting of shelter-belts where there is no native growth and that the lessee shall farm in a proper and husbandlike manner. It also provides for grazing leases in that no lessee shall allow, on any grazing lease, stock in excess of the number authorized by the Minister in the interest of conservation.

14. Agricultural Service Board Act, S.A.1945, c.19; 1946, c.33 am; 1948, c.41 am; 1949, c.3 am; 1952, ch. 1 am.

This Act authorizes any municipal council to constitute an advisory board to be known as an "Agricultural Service Board", consisting of either three or five members appointed annually. In improvement districts such boards are appointed by the Minister of Municipal Affairs.

Among the duties of these Boards, as set out in the Act, are:

- (1) to advise with respect to the organizing and directing of weed control and soil and water conservation programs;
- (2) to advise with respect to and assist in proper land utilization with a view to improving the economic welfare of the farmer.

The Minister of Agriculture is empowered to enter into agreements with any municipal council or with the Minister of Municipal Affairs, as the case may be, for the

purpose of assisting in soil and water conservation, control of noxious weeds, control of livestock diseases, and for the purpose of implementing other agricultural policies which may be deemed necessary.

15. Land Clearing and Breaking Projects Act, S.A.1948, c.11; 1949, c.55 am.

An Act to Provide for the Clearing and Breaking of Provincial Lands.

The Act provides that, "with the approval of the Lieutenant-Governor in Council, the Minister may enter into agreements from time to time with such person or persons and on such terms and conditions as he may deem expedient for the clearing and breaking of land vested in the Crown in the right of the Province'. The agreement may provide for the remuneration for the clearing and breaking to be paid at such rate per acre as may be set out in the agreement, or to be recovered out of the crops subsequently grown on the land. The Act further provides that any land cleared and broken pursuant to the provisions of this Act or Chapter 5 of the Statutes of Alberta, 1945 (Second Session) may be leased by the Minister to any person pursuant to the provisions of the Provincial Lands Act.

Provisions are made for the Minister to provide seed to lessees of Provincial Lands cleared and broken pursuant to the provisions of these two Acts in the first year that such lessee is in possession of the land, and for the second year in the event that the crop of the first year is a failure. The seed grain may be provided either for cash or on credit, and in the latter case the moneys owing shall be a lien against the crops until the said moneys have been repaid in full.

An Act respecting agreements for the clearing and breaking of Provincial lands and validating the agreement made under the authority of Order in Council 1209-45, Chapter 5 of the Statutes of Alberta, 1945 (Second Session), is repealed under the provisions of this Act.

16. The Special Areas Act, R.S.A.1942, c.153.

This Act provides measures for the control of submarginal agricultural lands in Alberta by the establishment of special areas. These special areas comprise large tracts of land within which crop production has proved extremely hazardous, owing to low and irregular rainfall.

Provisions in the Act include:

1. That Special Areas be set up.
2. The Lieutenant-Governor in Council has power to increase or decrease the areas under Special Areas.
3. The Lieutenant-Governor in Council has power to appoint a "Special Municipal Areas Board" to administer Special Areas.

4. In connection with the administration of Special Areas the Minister of Municipal Affairs is authorized to control land use (Sec.4), as follows:

"(e) to order and require any owner or occupant of lands to adopt such methods of farming or grazing, as may be deemed necessary to prevent soil drifting or over-grazing, or any hazard which may dissipate or nullify any assistance rendered to residents within the special areas;

"(f) to exchange any public lands within a Special Area for any other lands situated within any Special Area;

"(g) to promote approved farm cultural practices and efficient range management, and such community effort and enterprise as may contribute to greater economic security of residents of the Special Area;

"(h) to classify all lands within the Special Area for the purpose of utilizing them for the purpose for which they are considered by him to be the most adaptable;

"(k) to acquire by purchase or otherwise any property whether real or personal which is requisite or incidental to the exercise of any powers conferred by this Act;

"(l) to carry out and execute any scheme or plans for the rehabilitation or betterment of any Special Area and the inhabitants thereof;"

17. The Forest Act, S.A.1949, c.43

The Forest Act provides for jurisdiction to regulate the sale and disposition of timber on public lands and enforce any scheme or plan to replenish the forest cover.

18. The Land and Forest Utilization Act, S.A.1955, c.3

This Act provides for the establishment of a conservation and utilization committee with representatives from the Departments of Agriculture, Lands and Forests, Municipal Affairs and the Power Commission. The purpose of the Act is "to provide the authorities and facilities necessary to the effective conservation and efficient utilization of the land, forests and water resources of the Province".

Under this Act the Minister may, among other things:

(a) promote recognized and approved farm, fishing and lumbering or reforestation practices.

(b) recommend, carry out, direct, instruct or prescribe preventive and control measures for combating or overcoming flooding, soil erosion, soil deterioration, loss of soil fertility or weed infestation.

19. Soil Survey Policy

Soil surveys are conducted in Alberta under the joint sponsorship of the Research Council of Alberta, the University of Alberta and the Canada Department of Agriculture. Included in the surveys are reconnaissance surveys of settled areas, reconnaissance and exploratory surveys of lands proposed for settlement, and detailed surveys of proposed irrigation projects.

20. Tree Planting Policy

Provincial and Federal nurseries supply trees for farm plantations. Efforts are concentrated on the promotion of farmstead shelter-belts, field windbreaks, and roadside plantings.

J - BRITISH COLUMBIA

1. Drainage, Dyking and Development Act, R.S.B.C. 1948, c.100

An Act respecting the Drainage, Dyking and Development of Lands.

The Act provides for the establishment of drainage, dyking and development districts, for the appointment of Commissioners of each district who are a body corporate and for the appointment of staff, including a clerk, collector, engineer, etc., in each district. Regulations are set out regarding the procedure for planning works and putting them into effect; the purposes for which the Commissioners may levy taxes to raise moneys; the establishment of a Court of Revision for revision of the assessment-roll; expropriation of lands required for any works authorized by this Act; compensation for expropriation and for lands damaged by such works; the construction and maintenance of works authorized by this Act; and the recovery of taxes and fines by sale of lands.

2. Dykes Maintenance Act, S.B.C.1950, c.17

An Act respecting the Maintenance of Dykes in the Province.

The Act provides for the appointment of a Dyking Commissioner, an official of the Department of Lands and Forests, who shall have general supervision of all dykes and of the operations of all dyking authorities relative to the construction and maintenance of dykes. For the purposes of this Act "dyking authority" means the Commissioners of any district to which the Drainage, Dyking, and Development Act applies, and any municipality or improvement district having control of any dyke.

The Act further provides that every dyking authority shall create and maintain an adequate renewal reserve to provide for the renewal of the perishable structures under its control and the Commissioner has the power to determine what is an adequate renewal reserve.

3. Ditches and Watercourses Act, R.S.B.C.1948, c.96

An Act respecting Ditches and Watercourses.

This Act applies to all lands requiring drainage, including drainage of lands for manufacturing or mining purposes. Special provisions extend application of the Act to lands situated outside municipal boundaries.

4. Water Act, R.S.B.C. 1948, c.361; 1949, c.69 am.

An Act respecting the Diversion and Use of Water.

The Act provides that "the property in and the right to the use and flow of all the water at any time in any stream in the Province are for all purposes vested in the Crown in the right of the Province, except in so far as private rights therein have been established under special Acts or under licences issued under this or some former Act". Regulations are set out as to the rights acquired under licences, who may acquire a licence, procedure to acquire licences, a licensee's right to expropriate land, and licence fees. Provisions are made for the appointment of a Comptroller of Water Rights, Engineers, and other staff.

The Act provides for the incorporation of improvement districts and sets out regulations regarding the powers of improvement districts, the election of Trustees in each district, the assessment-roll, lien on land for taxes and tolls levied, recovery of taxes by sale of lands, and expropriation of lands by an improvement district.

The Act further provides for the incorporation of water-users' communities and makes regulations regarding the powers and duties of such communities, the appointment of a manager in each community, and assessment of members.

5. Okanagan Flood Control Act, S.B.C. 1949, c.47

An Act respecting Flood-control in the Okanagan Valley.

The Act provides that the Lieutenant-Governor in Council may, from time to time:

- "(a) Either alone or in conjunction with the Government of the Dominion and the municipalities, or any of them, institute and carry out such measures as may from time to time be considered practicable and necessary for the control of floor conditions in the Okanagan Valley;
- "(b) Enter into any agreement with the Government of the Dominion with respect to provision for payment of a portion of the costs incurred on or after the first day of April, 1949, by the Government of the Province for constructing, reconstructing and repairing works in the Okanagan Valley."

Regulations are set out regarding the ways by which money may be raised to carry out the provisions of this Act.

6. Irrigation District Rehabilitation Act, 1953 (Assented to in April, 1953.)

An Act respecting the Rehabilitation of Irrigation Systems in British Columbia.

According to the preamble the purpose of this Act is to prevent speculation in land values that may be increased through assistance given irrigation districts under the Canada-British Columbia Joint Development Act.

The Act authorizes the Lieutenant-Governor in Council to make regulations, from time to time, providing for the imposition of a charge or charges on every parcel of land situated within the area to be rehabilitated. The total charge for moneys expended by the government is to be divided among all acreage and diminished each year proportionately to the total period as set forth in the regulations.

7. Farmers' Land Clearance Assistance Act, R.S.B.C.1948, c.118

An Act authorizing the borrowing of the sum of Five Thousand Dollars and to authorize the Government) clear land.

This Act empowers the Lieutenant-Governor in Council to borrow up to \$500,000 which may be used for the purpose of purchasing machinery and equipment suitable for the clearing and development of land for agricultural purposes and for general expenses involved in the clearing and development of land. The Act further provides that the Minister may "enter into a contract with any person who is the owner or occupier of land suitable for farming whereby that land in whole or in part may be cleared and developed" Regulations are set out regarding cases of default in payment of an instalment by the owner or occupier of the land being cleared.

8. Land Settlement and Development Act, R.S.B.C.1948, c.172

An Act to promote Increased Agricultural Production.

The Act provides for the establishment of the "Land Settlement Board". Under the provisions of this Act, the Board may advance money by way of a loan to any person or association "for any purpose which in the opinion of the Board will maintain or increase agricultural or pastoral production...". Regulations are set out regarding the security upon which loans may be made, the grounds on which loans must be justified, manner of applying for a loan, limitation of amount of loan, mortgages, rate of interest and term of loan, additional loans powers of Board in case of mortgagee's default, and loans on Crown land.

The Act further provides that the Lieutenant-Governor in Council may select and grant to the Board, Crown lands within the Province suitable for agricultural and pastoral purposes and sets out the powers of the Board as to land development and land settlement. Regulations are also made regarding compulsory purchase of land by the Board and the power of the Board to perform the functions of the "Agricultural Credit Commission".

9. Soldiers' Land Act, R.S.B.C.1948, c.313

An Act to provide Lands for the use and benefit of Returned Soldiers.

Among other things, the Act creates in the Treasury an account to be known as "The Southern Okanagan Lands Project Fund" to be used for the following purposes: "the development, construction, maintenance, improvement, extension, replacement and operation of all undertakings, lands and works within the development area known as the Southern Okanagan Land Project....".

10. Land Act, RS.B.C.1948, c.175; 1950, c.37 am.

An Act respecting Lands of the Crown.

Part III provides for free or partially free granting of Crown lands "for the encouragement of immigration or other purposes of public advantage", for the purpose of drainage, dyking or irrigation, for the construction of railway, etc.

11. Line Fences Act, R.S.B.C. 1948, c.119; 1949, c.23 am.

An Act respecting Boundary Fences and Ditches.

This Act regulates the construction and maintenance of boundary fences, and boundary ditches.

12. Soil Conservation Act, R.S.B.C. 1956, c.40.

Under this Act the Minister of Agriculture may take steps to conserve or rehabilitate agricultural land or enter into agreements with respect to soil conservation or rehabilitation in such manner and on such terms as the Lieutenant-Governor in Council may determine by regulation.

For the purposes of carrying into effect the provisions of this Act, the Lieutenant-Governor in Council may make such regulations as he considers necessary or advisable to prevent and control soil erosion and soil debilitation, reclaim agricultural land, and maintain soil fertility by drainage and other means, and, without limiting the foregoing, may make regulations authorizing: -

- (a) The making of agreements with the Government of Canada, or any Province or Territory of Canada, or of any State of the United States of America:
- (b) Any local authority to:-
 - (i) Investigate and inquire about any debilitated land, eroded land, or land in the process of being debilitated or eroded which lies within the area represented by the local authority:

- (ii) Advise the owner of debilitated land or eroded land as to soil-conservation methods to be used for the restoration and maintenance of such land;
 - (iii) Take supervision of debilitated land or eroded land where advisable or necessary and restore such land upon such terms and conditions as are set out by regulation:
- (c) The Minister to enter into an agreement with a local authority or a farm organization for the carrying-out of measures to conserve or rehabilitate or reclaim agricultural land:
- (d) The appointment of one or more advisory committees, with or without remuneration:
- (e) The taking of such surveys and studies as may be required to carry out the purposes of this Act:
- (f) The Minister, where it appears desirable in the public interest that the Province should meet part of the cost of a soil-conservation project approved under the terms of this Act or the regulations thereunder, to enter into an agreement with the Government of Canada, a local authority, or a farm organization, individually, jointly, or severally, whereby the Government of British Columbia shall pay not more than fifty per centum of the cost of carrying out the project:
- (g) The taking of such further measures as may be necessary generally for carrying out the purposes of this Act, including matters with respect to which no express or only partial or imperfect provision has been made.