



CHAPTER 58.

An Act relating to the "Soldiers' Homestead Act." 1916, c. 59.

[Assented to 19th May, 1917.]

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

1. This Act may be cited as the "Soldiers' Homestead Act Repeal Short title. Act."

2. Subject to sections 5 and 6, all lands coming to or resumed by the Crown under the provisions of the "Soldiers' Homestead Act," being chapter 59 of the Statutes of 1916, shall for all purposes whatsoever be deemed to be Crown lands of the Province within the meaning of the "Land Act," and all the provisions of the "Land Act" and Acts in amendment thereof for the time being in force shall apply to such lands and to the pre-emption, sale, lease, or other alienation thereof, to the like extent as if no application to purchase and no resumption of such lands had ever been made or taken place.

Lands resumed under "Soldiers' Homestead Act" to be deemed Crown lands of the Province for all purposes.

3. Except as provided in section 5, no person shall be deemed to have acquired or to acquire the right to any lands or be entitled to claim any rights whatsoever as against His Majesty by reason of any matter or thing contained in the "Soldiers' Homestead Act."

No person entitled to claim any rights under provisions of "Soldiers' Homestead Act."

4. The "Soldiers' Homestead Act" is hereby repealed.

Repeal.

5. (1.) The repeal of the "Soldiers' Homestead Act" shall not and, subject to subsection (2), nothing in this Act shall affect any right or privilege existing, accrued, accruing, or established in favour of any person in respect of the obtaining of a Crown grant of or completing title to any lands pursuant to the provisions of section 4 of the said Act, or in respect of the obtaining of a proportionate allotment of land pursuant to the provisions of section 5 of the said Act.

Certain rights preserved.

Grouping of applications in obtaining proportionate allotment.

(2.) Whenever, under the provisions of the said Act, any person is entitled to obtain proportionate allotments in respect of two or more applications to purchase, such applications may, subject to the approval of the Minister of Lands, be grouped and dealt with as forming one application, so that the person entitled may receive a proportionate allotment of land in one or more parcels in lieu of all the proportionate allotments to which he would otherwise be entitled. The grouping of applications for the purpose of proportionate allotment and the selection and adjustment of the proportionate allotment shall be subject to the approval of the Minister of Lands, whose decision shall be final.

Time for payment extended in certain cases.

6. In the case of any Crown lands subject to the operation of the "Soldiers' Homestead Act," as to which no payment in full of purchase price and taxes and no application for proportionate allotment has been made under that Act, if it is established to the satisfaction of the Minister of Lands that injury may result to an innocent person through the operation of the said Act by reason of absence of notice or otherwise, it shall be lawful for the applicant to purchase, or person claiming under him, with the consent of the Minister of Lands, to complete his purchase, and obtain a Crown grant of such lands by payment in full of the purchase price, interest, and taxes thereon on or before the thirty-first day of December, 1917.

Meaning of "Volunteer or Reservist."

7. (1.) For the purposes of this section, "Volunteer or Reservist" shall mean and include any person who, having theretofore resided in the Province, has at any time during the present War served overseas or who may at any time during the present War serve overseas as a sailor, soldier, chaplain, surgeon, or nurse, or in any other capacity in the Naval or Military Forces of Canada, or in any other of His Majesty's Naval or Military Forces.

Time for payment by Volunteers or Reservists extended.

(2.) Notwithstanding anything contained in the "Soldiers' Homestead Act" or in this Act, no Volunteer or Reservist who on the fourth day of August, 1914, was an applicant or person claiming through or under an applicant in respect of any application for purchase of Crown lands made under section 34 of the "Land Act" and any statutory provision of which said section 34 is a re-enactment, or made under section 45 of the "Land Act" and any statutory provision of which said section 45 is a re-enactment, shall lose his right to complete his title and obtain a Crown grant by reason only of his failure or default in the payment of any purchase moneys, interest, or taxes in respect of said land during the continuance of the present War and for a period of six months thereafter:

Provided that every such Volunteer or Reservist, on or before the thirty-first day of December, 1917, or at any later date, so long as the land comprised in his application remains in the Crown unalien-

ated and unreserved, shall file or cause to be filed in the Department of Lands at Victoria a notice referring to his application in such a manner as to clearly identify the same, and stating his interest therein, and the fact of his service overseas in the present War, and that he intends to complete his purchase and obtain a Crown grant.

(3.) The fact that a Volunteer or Reservist is one of two or more co-purchasers under any such application for purchase shall not prevent him from obtaining the advantage of subsection (1) to the full extent proportionate to his interest in the subject-matter of the purchase; nor shall such fact relieve a co-purchaser who is not a Volunteer or Reservist from the performance of the conditions of purchase in respect of the payment of such part of the purchase money, interest, and taxes as is proportionate to the interest of such co-purchaser in the subject-matter of the purchase.

(4.) The rights of a Volunteer or Reservist who is a co-purchaser in any such case, where the other co-purchasers fail to carry out and fulfil the conditions of the purchase, shall include the right of making a payment in proportion to his interest in the subject-matter of the purchase and obtaining an allotment of land in proportion to the amount of purchase money paid by him, such proportionate allotment to be selected and adjusted subject to the approval of the Minister of Lands, whose decision shall be final.

(5.) Every Volunteer or Reservist who is an applicant or a person claiming through or under an applicant in respect of any application for purchase mentioned in subsection (2), who fails to complete his title to the lands comprised in his application within the time mentioned in that subsection, may obtain an allotment, to be selected anywhere in the Province from Crown lands which are open for purchase under the "Land Act," of such area as shall at the price chargeable therefor per acre be covered by the moneys actually paid under the application for purchase, and may obtain a Crown grant of the lands comprised in the allotment. Every such allotment shall be selected before the expiration of twelve months after the termination of the present War, and shall be subject, both as to location and manner of selection, to the approval of the Minister, whose decision shall be final and not subject to any question or appeal whatsoever.

8. Where on the thirty-first day of January, 1917, any person was, pursuant to the provisions of the "Soldiers' Homestead Act," entitled to obtain a Crown grant or a proportionate allotment of lands which are found to comprise timber lands as defined in section 39 of the "Land Act," the Minister of Lands may, notwithstanding the provisions of the "Land Act," authorize the issue of a Crown grant to such person subject to the reservation in respect of the timber on such portion of the lands as is found to be timber lands of the payment to the Crown of the stumpage value of the timber as determined by the Minister of Lands, such payment to be in addition to royalties.