

No. 1

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 1

A Bill to amend The Alberta Wheat Pool Act, 1929

MR. SAYERS

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BILL

No. 1 of 1958

An Act to amend The Alberta Wheat Pool Act, 1929

(Assented to _____, 1958)

WHEREAS a petition has been presented praying for the amendment of *The Alberta Wheat Pool Act, 1929*, being chapter 73 of the Statutes of Alberta, 1929, as therein set forth, and it is expedient to grant the prayer of the said petition:

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Alberta Wheat Pool Act, 1929, Amendment Act, 1958*".

Short title

2. *The Alberta Wheat Pool Act, 1929*, being chapter 73 of the Statutes of Alberta, 1929, is hereby amended.

3. Section 4 is amended

Section 4
amended

- (a) as to clause (a) by adding immediately after the word "cereals" the words "or seed",
- (b) as to clause (b) by adding immediately after the word "grains" the words "or seed",
- (c) as to clause (f) by adding immediately after the word "cereals" wherever it occurs the words "or seed",
- (d) as to clause (g) by adding immediately after the word "cereals" the words "or seed",
- (e) as to clause (h) by adding immediately after the word "grain" the word "seed".

so that the section shall now read as follows:

4. The said corporation is declared to have and shall be deemed to have had since the eighteenth day of August, A.D. 1923, the general capacity and powers which the common law ordinarily attaches to corporations created by charter in so far as it is within the legislative authority of the Province to grant such general capacities and powers, and for greater certainty, but without in any way restricting the generality of the foregoing, the corporation shall be deemed to have and to have had since the eighteenth day of August, A.D. 1923, the following capacities and powers:

- “(a) To act as agent and factor, to receive and take delivery of, handle, grade, classify, store, mortgage, pledge, hypothecate, insure, transport, sell, market and otherwise dispose of and deal in the wheat and grain and other cereals (or seed) produced or delivered to it by the members of the Pool or others, and any documents of title, warehouse receipts, storage receipts or other documents with respect thereto;
- “(b) To enter into any contracts or arrangements whatsoever for or incidental to or useful in the cooperative selling or marketing of wheat and other grains (or seed);
- “(c) To act as mercantile agent;
- “(d) To act as attorney in fact for its members or any of them, or for others;
- “(e) To lend money to members of the Pool or other persons with or without security;
- “(f) To mingle and mix the wheat, grain and other cereals (or seed) received by the Pool from any member with wheat, grain and any other cereals (or seed) and clean, condition, blend or process the same;
- “(g) To buy, sell and deal in all classes of wheat, grain and other cereals (or seed) and agricultural products;
- “(h) To construct or acquire by purchase, lease, or otherwise, and sell, lease, maintain, improve, equip and operate all classes of grain elevators, warehouses, granaries, buildings, factories and mills, for the storage, treatment and manufacture of all kinds of goods that may be produced from or with grain (, seed) or cereals of any kind;”.

Section 6
amended

4. Section 6 is amended

- (a) as to clause (a) by adding immediately after the word “grain” wherever it occurs the words “or seed”,
- (b) as to clause (c)
 - (i) by relettering the clause as clause (c) (i),
 - (ii) by striking out the word “and” where it occurs at the end of the relettered clause (c) (i) and by substituting the word “or”,
 - (iii) by adding immediately after clause (c) (i) the following subclause:
 - “(ii) He has since the date of his application delivered to the Pool or to the elevator facilities of Alberta Pool Elevators Limited at least 100 bushels of cleaned cereal seed or 1,000 lbs. of any other cleaned seed, and who shall have purchased reserves of Alberta Wheat Pool to the

minimum amount of five (\$5.00) or such other amount as may be determined from time to time by the delegation at an annual or special meeting.”.

so that the section shall now read as follows :

“**6.** Any person who has made application to the Board of Directors in writing in such form and upon such conditions as may be from time to time prescribed by the Board of Directors for membership in the Pool may be declared by the Board of Directors to be a member of the Pool if :

“(a) He is a grower of grain (or seed) or the owner, purchaser, share crop purchaser or vendor, lessor or lessee of farm lands capable of producing grain (or seed) ; and

“(b) He is not a member of the Pool under section 5 of this Act; and

“(c) (i) He has between the first day of August, 1935, and the date of his application for membership delivered to the Pool or to the elevator facilities of Alberta Pool Elevators, Limited, five hundred bushels of grain or such other amount of grain as may be determined from time to time, by a resolution passed by the delegates at an annual or special meeting; (or)

“(ii) He has since the date of his application delivered to the Pool or to the elevator facilities of Alberta Pool Elevators, Limited, at least 100 bushels of cleaned cereal seed or 1,000 lbs. of any other cleaned seed, and who shall have purchased reserves of Alberta Wheat Pool to the minimum amount of five dollars (\$5.00) or such other amount as may be determined from time to time by the delegates at an annual or special meeting.”).

5. Section 22 is amended by adding immediately after the word “grain” wherever it occurs the words “or seed”. Section 22
amended
so that the section shall now read as follows :

“**22.** All grain (or seed) which is the subject matter of a marketing contract shall be sold in the manner provided by such contract, notwithstanding that the member may have given security on such grain (or seed) or that it has been seized under any process of law by a creditor of the member.”

6. Section 23 is amended by adding immediately after the word “grain” wherever it occurs the words “or seed”. Section 23
amended
so that the section shall now read as follows :

“**23.** All money heretofore or hereafter deducted by the Pool for elevator purposes (hereinafter called “elevator reserve”) from the proceeds of the sale of members’ grain (or seed) and all assets heretofore or hereafter acquired therewith, shall be held and dealt and shall be deemed to have

been held and dealt with by the Pool in its name or in the name of its directors for the time being in trust for the members from the proceeds of whose grain (or seed) it was deducted, and may be retained by the Pool so long as its directors are of opinion that it is useful in carrying on the business of the Pool, notwithstanding anything in any marketing agreement contained, or that any member may have ceased to be the holder of a current marketing agreement."

Section 7
amended

7. Section 31 is amended

- (a) by adding immediately after the words "No grain" the words "or seed",
- (b) by adding immediately after the words "any such grain" the words "or seed",
- (c) by adding immediately after the words "to such grain" the words "or seed".

so that the section shall now read as follows :

"31. No grain (or seed) received by the Pool from any person or persons for sale, nor the proceeds of any such grain (or seed) shall be liable to seizure or attachment by any creditor of the Pool, except only for the purpose of or on account of any security held by any creditor who has lent money to the Pool on the security of such grain or on documents or other evidence of title to such grain (or seed)."

Section 32
amended

8. Section 32 is amended

- (a) by adding immediately after the word "grain" the words "or seed",
- (b) as to clause (a) by adding immediately after the word "grain" the words "or seed",
- (c) as to clause (b) by adding immediately after the word "grain" the words "or seed",
- (d) as to clause (c) by adding immediately after the word "grain" wherever it occurs the words "or seed".

so that the section shall now read as follows :

"32. No assignment of the proceeds of a member's grain (or seed) marketed through the Pool shall be binding on the Pool unless

- "(a) the assignment, accompanied by the delivery checking coupon for the grain (or seed), the proceeds of which are assigned, is filed with the Pool; or
- "(b) the assignment conforms to the regulations prescribed by the directors from time to time, as to the form and conditions in and under which a member may assign the proceeds
- "(c) If in any year heretofore or hereafter the total amount of the advances made by the Pool to a member on account of the grain (or seed) de-

livered by such member to the Pool is in excess of the amount which ultimately becomes payable by the Pool on account of the proceeds of such grain (or seed), the Pool shall be entitled to set off, and shall be deemed to have always been entitled to set off the amount of such excess against any moneys in the hands of the Pool which are payable to such member in respect of any grain (or seed) delivered by such member of the Pool in any previous year."

9. Section 40 is amended as to clause (g) by adding immediately after the word "grain" the words "or seed".
so that the section shall now read as follows:

Section 40
amended

"40. When authorized by resolution of the delegates the Pool may use the commercial and elevator reserves or any earnings in its hands, which have resulted from the use thereof to buy commercial and elevator reserves, or either of them, which were accumulated by deduction under the marketing agreements, First and Second Series, or by operation of section 35 (b) hereof

- "(a) from members rateably a percentage of their respective interests in the said reserves or either of them;
- "(b) from the personal representatives of members who died on or before a date to be fixed by a resolution of the delegates authorizing the purchase;
- "(c) from persons to whom the said reserves have devolved as the beneficiaries of those members who died on or before a date to be fixed by resolution of the delegates authorizing the purchase;
- "(d) from members who, having accumulated the said reserves attain such an age as may be determined by resolution of the delegates authorizing the purchase, and have ceased to farm or to hold any interest in land in the Province of Alberta or those parts of British Columbia and Saskatchewan served by the facilities of Alberta Pool Elevators;
- "(e) from members, who having accumulated the said reserves, attain such an age as may be determined by a resolution of the delegates authorizing the purchase;
- "(f) repealed;
- "(g) from members whose interest in the said reserves is less than \$5.00 who are not engaged in farming or possessed of any land producing grain (or seed) in the Province of Alberta or parts of Saskatchewan or British Columbia served by facilities of Alberta Pool Elevators."

10. Section 42 is amended as to clause (c)

Section 10
amended

- (a) by adding immediately after the word "bushels" the words "or pounds, as the case may be,"

(b) by adding immediately after the word "grain" the words "or seed".

so that the section shall now read as follows:

"42. Notwithstanding the provisions of this Act and of the Marketing Agreements, the Directors of the Pool may, when authorized by resolution of the delegates

"(a) cancel or write off the whole or any part of the commercial and elevator reserves or either of them purchased pursuant to section 40 hereof:

"(b) sell to applicants for membership under section 6 hereof the minimum interest from time to time required under section 6 (d) and reissue to patrons who are members the whole or any part of the elevator and commercial reserves or either of them purchased pursuant to section 40 hereof that have not been cancelled under the next preceding section hereof;

"(c) refund a portion of the earnings made by the operation of the facilities of the Pool in any year in cash or its equivalent or in elevator and commercial reserves or either of them purchased under section 40 and not cancelled under section 42 (a) hereof, or partly in cash or its equivalent and partly in the said reserves or either of them, to patrons who are members under date to be fixed by resolution of the directors before such distribution. Such refund shall be made on a basis of the bushels (or pounds, as the case may be, contributed by the respective patrons to the handling facilities of the Pool in any fiscal year or years preceding such distribution in a manner to be determined by the directors, who may take into account in fixing the amounts to be distributed the earnings made by any particular kind of grain (or seed) and the extent of the use of Pool facilities made by any member."

Section 11
amended

11. Section 48 is amended by striking out the figures "\$10,000,000.00" and by substituting the figures "\$15,000,000.00".

so that the section shall now read as follows:

"48. The reserves accumulated by deduction under the marketing agreements First and Second Series and by the operation of section 35 (b) hereof are hereby increased from \$8,467,830.00 to (\$15,000,000.00) and the reserves hereby created are declared to be identical with the reserves accumulated by deduction under the said marketing agreements and shall be dealt with by the Pool and its members under this Act to all intents and purposes as if they had been accumulated by deductions under the said marketing agreements."

12. Section 49 is amended by striking out the words “hereby created” and by substituting the words and figure “created by section 48”. Section 49 amended

so that the section shall now read as follows:

“**49.** When authorized by resolution of the delegates, the Pool may issue the reserves (created by section 48) or acquired by purchase under section 40 hereof that have not been reissued to members who were patrons in any crop year in proportion to their patronage in that year, and each member to whom reserves are so issued shall thereupon become liable to the Pool for the reserves so issued to him at the par value thereof, and the Pool shall apply against the liability of each such member the cash patronage dividend then or thereafter payable to the member in proportion to patronage for the same crop year, provided that if within twelve (12) months of such issue of reserves the Pool does not authorize payment of a cash dividend in proportion to patronage equivalent to the liability of the respective members for the reserves so issued to the members, any member may advise the Pool in writing that he elects to reject the issue of reserves to him and his liability therefore shall cease and determine.”

13. This Act comes into force on the day upon which it is assented to. Coming into force

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The Alberta
Wheat Pool Act, 1929

Received and read the

First time.....

Second time.....

Third time.....

MR. SAYERS
