

BILL

No. 7 of 1915.

An Act respecting Seed Grain, Fodder and Other Relief.

(Assented to _____, 1915.)

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

1. A memorandum of agreement dated the thirteenth day of February, 1915, made between the Honourable William James Roche, Minister of the Interior, on behalf of the Dominion of Canada, and the Honourable Arthur L. Sifton, on behalf of the Government of Alberta (which memorandum of agreement is set out in the schedule to this Act) is hereby approved, ratified and confirmed, and the Lieutenant Governor in Council is hereby declared to have had power, and shall have power by order in council to do all acts deemed necessary or expedient to be done to carry out and perform on the part of the Government of Alberta the terms of the said agreement.

2. Any and all orders in council heretofore made for the purposes aforesaid are hereby approved, ratified and confirmed.

3. The moneys agreed to be paid by any person for seed grain, fodder for animals or other goods by way of relief in consideration of the advance to him by His Majesty the King in the right of the Dominion of Canada (hereinafter called His Majesty) of such seed grain, fodder for animals or other goods by way of relief, together with interest thereon at the rate of five per centum per annum until paid, shall be a debt due by such person to His Majesty and shall be a charge upon any real property of such person and upon any crop of any kind now being or hereafter grown on any land by such person having priority over all other liens, taxes, charges or other encumbrances, whenever created, upon such crop, and so far as such moneys are agreed to be paid in consideration of the advance of seed grain and fodder for animals, having priority over all other liens, taxes, charges and other encumbrances, whenever created, upon such real property; such charge shall be in addition to any other remedy which His Majesty may have to enforce payment of the said amount and shall be capable of enforcement by seizure and sale of the said real property or crop when growing or when cut, under warrant signed by the Minister of the Interior of Canada (hereinafter called the Minister) or by any one authorized by him to sign such warrant wherever and whenever any of the said property may be found, and in respect thereof His Majesty shall have and be entitled to all the remedies of a mortgagee in the same manner as if the said amount were secured by a

registered charge against the said land or by a chattel mortgage duly filed against the said crop and having the priorities herein set out.

4. The Minister may send to the registrar of land titles for each land registration district, a statement showing in alphabetic order the name of each person to whom an advance of seed grain, fodder for animals or other goods by way of relief has been made as aforesaid and showing the land for the cultivation of which such advance has been made, the amounts agreed to be paid by such persons for:

- (a) Seed grain and fodder for animals;
- (b) Other goods by way of relief;

and the date or dates from which interest is payable, and the registrar shall, except as provided in subsection 6 hereof, upon receipt of such statement enter in the register against such land, and endorse upon any duplicate certificate of title thereafter issued therefor, a memorandum as follows:

“This land is subject to a lien in favour of His Majesty in the right of the Dominion of Canada for the sum of dollars for seed grain and fodder for animals and interest thereon at five per centum per annum from the day of 191. . . , and for the sum of dollars for other goods by way of relief and interest thereon from the day of 191. . . ”

(2) In respect of any other land in his land registration district the registrar shall treat each item in the statement as if it were a writ of execution against the land of such person for the amount shown thereby to be owing by such person, and may use the form herein provided in making the memorandum required to be made by section 77 of *The Land Titles Act*.

(3) Instead of entering a memorandum in the execution docket the registrar may use a separate docket to be known as the “seed grain docket.”

(4) The Minister shall also cause the said statement to be published in the official gazette.

(5) In case it shall be made to appear to the Minister that any land against which such memorandum is entered, was not owned by the person agreeing to pay for such advances of seed grain, fodder for animals or other goods by way of relief when such seed grain, fodder for animals or other goods by way of relief, or any part thereof, was advanced, and was not interested therein under an agreement or contract for purchase thereof, and that the owner of such land or the person interested therein under an agreement or contract for purchase thereof did not join in such agreement to pay nor consent in writing to the same being given or to such advances, or only consented to part thereof, the Minister may require the registrar to cancel the said memorandum, or to reduce the charge stated therein to such amount as appears to the Minister to have been so consented to, and when so cancelled such land shall be discharged from the lien represented thereby, or if the amount is directed to be reduced as aforesaid, the memorandum shall have the same effect as if the amount as so reduced had been the original amount entered in such memorandum.

(6) The Minister may also send to each registrar as aforesaid a statement showing in alphabetic order the name of each person (if any) who has so agreed to pay for seed grain, fodder for animals or other goods by way of relief, and who appears to be a tenant of the land for the cultivation of which such seed grain, fodder for animals or other goods by way of relief were furnished and whose landlord has not joined in or consented in writing to such agreements or advances, and shall also furnish such registrar with the other particulars mentioned in subsection 1 of this section, and as to such tenants no memorandum shall be entered or endorsed as aforesaid as against such land unless the same is otherwise subject to a lien under this Act.

5. The Minister may by letter direct any registrar of land titles to enter a memorandum upon the certificate or certificates of title in the register to any land mentioned in such letter to the effect that the person mentioned in such letter has paid the amount charged against such land for advances of (a) seed grain and fodder for animals, or (b) other goods by way of relief, or both; and the registrar shall on receipt of such letter make such memorandum accordingly, and thereupon such land shall be discharged to the extent of the amount so paid, as appearing by such memorandum.

6. The Minister may, by letter, direct any registrar of land titles to enter a memorandum in the execution docket or in the seed grain docket as the case may be, to the effect that all the lands and crops of the person mentioned in such letter are released from all liens under this Act, and upon receipt of such letter the registrar shall make such memorandum accordingly, and thereafter such land and crops shall be absolutely released and discharged from all liens and claims under this Act.

7. All rights, securities and priorities of every kind given to or provided for His Majesty under this Act, shall be in addition to and independent of any other rights or securities taken by His Majesty from any person to whom advances of seed grain, fodder for animals or other goods by way of relief have been made as aforesaid, or from any other person on behalf of such person, and any such rights or securities so taken are hereby declared to be legal and binding, and such rights, securities and priorities shall also be in addition to and independent of all other rights and privileges of His Majesty. Such rights, securities and priorities of His Majesty shall in no way be prejudiced by *The Creditor's Relief Act* or by any other Act or law.

8. Notwithstanding anything contained in *The Bills of Sale Ordinance* or in any other Act or law, every document purporting to be a chattel mortgage heretofore or hereafter given or made to or in favour of His Majesty, or of any person representing His Majesty, to secure an advance of seed grain, fodder for animals or other goods by way of relief shall be capable of registration free of charge under *The Bills of Sale Ordinance*, and shall be valid and effective according to the true intent and meaning thereof; and no irregularity, informality, or insufficiency therein or in any affidavit made in connection therewith, nor the failure to make any such affidavit, nor the failure

to file and register the said document, or to file or register the same within the time limited by law for that purpose shall render the same invalid; but every document shall bind the crop therein mentioned as fully and effectually to all intents and purposes as if all the provisions of *The Bills of Sale Ordinance* and of any other Act or law had been strictly complied with and shall have priority over any other mortgage or lien whenever given upon the security of the same crop or any writ of execution against the mortgagor.

9. Any secretary-treasurer of a local improvement district or of any municipality, any Dominion land agent, sub-land agent, homestead inspector, immigration agent or member of the Royal North-West Mounted Police, or any other officer named by the Minister, is hereby declared to have had power and shall have power to administer oaths and take and receive affidavits, declarations and affirmations within this province appearing upon any paper or document taken by His Majesty in respect of, or as security for advances of seed grain, fodder for animals, or other goods by way of relief, and any order in council heretofore made so empowering such persons or any of them is hereby approved, ratified and confirmed.

10. All registrations, annotations, memoranda, entries or other work performed by any registrar of land titles, or by any other officer or employee of the Government of Alberta as provided for in this Act shall be done without fee or charge of any kind, and all publications in the official gazette provided for in this Act shall also be without fee or charge.

11. Any person to whom seed grain, fodder or other goods by way of relief have been advanced as in this Act provided, and who sells or disposes of same or any part thereof, or who neglects or fails to sow in a husband-like manner such seed grain or any part thereof without the consent of the Minister or of such person as may be appointed by the Minister for such purpose, shall be guilty of an offence, and shall be liable, upon conviction, to a fine not exceeding \$500.00 and to imprisonment for any term not exceeding two years or to both.

12. Prosecutions under the preceding sections may be had before any justice of the peace or police magistrate having jurisdiction in the place where the offence was committed or where the accused person resides, and the proceedings shall be summary.

SCHEDULE.

MEMORANDUM of Agreement between the Honourable W. J. Roche, Minister of the Department of Interior, on behalf of the Government of the Dominion of Canada, and the Honourable Arthur L. Sifton, on behalf of the Government of the Province of Alberta, entered into this Thirteenth day of February, 1915.

Whereas the Government of the Dominion of Canada and the Government of the Province of Alberta recognize that a serious situation exists in a portion of the said province owing to severe drought which prevailed during the past summer and that the crops in those districts were almost a total failure and that the settlers are in many cases destitute;

And whereas it is generally recognized that to insure the future of the said province, it will be necessary to seed down every available acre of land and endeavour to keep up the production of grain;

And whereas the Government of the Dominion of Canada has undertaken a distribution of relief to the settlers affected as aforesaid;

Therefore it is agreed by the said Minister of the Interior and by the said Honourable Arthur L. Sifton for the Province of Alberta, as follows:

First, That the Dominion Government will undertake the distribution of seed grain and relief other than seed grain to homesteaders on patented and unpatented lands alike and in accordance with their necessities, and within the area described as the drought stricken area. Also outside of the drought stricken area, if found advisable to do so.

Second, That the Provincial Government agrees to afford the Government of Canada the same measure of protection and the same facilities in reference to the collection of advances of seed grain and fodder for animals made to homesteaders on lands now or hereafter patented as is afforded to the Government of Alberta by the *Act respecting Seed Grain*, being chapter 21 of the Statutes of 1908 of the Province of Alberta, as amended; and that the Government of the Province of Alberta shall at the next ensuing session of the Legislature procure the enactment of such legislation as will afford to His Majesty in the right of Canada the same security in respect of seed grain advances and other relief herein mentioned as is provided for His Majesty in the right of the province under the said Act.

Third, That the Province of Alberta hereby agrees to bear the expense of the central distribution office at Winnipeg and of the officers connected therewith in distributing such seed grain and other relief in respect of patented lands.

Fourth, That the Provincial Government will undertake to protect and legalize the liens for seed grain or relief other than seed grain which have already been taken or which will be taken hereafter by the Dominion Government against homesteaders on patented lands within the said Province of Alberta.

Fifth, That in the cases where liens for seed grain or relief other than seed grain have been consented to by homesteaders on unpatented lands, and where such homesteaders subsequently obtain their patents, the Provincial Government will undertake to protect and legalize the collection, by the Dominion Government through their authorized agents, of the amounts of such liens against such lands in the same manner as if the liens had primarily been filed against homesteaders on patented lands, such liens to have priority over all other liens, charges or encumbrances until fully paid.

Sixth, That the Provincial Government will undertake to register, free of charge, with the registrar of land titles for each land registration district, the mortgages given by homesteaders on patented lands within the Province of Alberta, as well as the liens given by homesteaders on unpatented lands, who may subsequently obtain their patents, and against whom such liens should be recorded on account of not having been paid prior to the securing of such patents, the said liens to have priority over all other liens, charges or encumbrances whatsoever until fully paid.

Seventh, That the Minister of the Interior and the Honourable Arthur L. Sifton, of the Province of Alberta, will undertake to have an order in council passed as soon as possible by their respective Government to ratify the agreement herewith; and

Eighth, That the Minister of the Interior and the Honourable Arthur L. Sifton, of the Province of Alberta, will undertake to have their respective Government pass, at their next session of Parliament, the necessary legislation approving, ratifying and confirming the order in council and agreement made for the purposes aforesaid.

In witness whereof the parties hereto have hereunto set their hands the day and year first hereinbefore written.

Signed in the presence of:	} (Sgd.) W. J. ROCHE, Minister of the Interior, on behalf of the Dominion Gov- ernment.
(Sgd.) P. MARCHAND.	
As to signature of Arthur L. Sifton:	} (Sgd.) ARTHUR L. SIFTON, For the Province of Alberta.
(Sgd.) ETHEL CLEMENTS.	

No. 7

THIRD SESSION
THIRD LEGISLATURE
5 GEORGE V
1915

BILL

An Act respecting Seed Grain, Fodder
and Other Relief.

Received and read the

First time

Second time

Third time

HON. MR. MARSHALL.

EDMONTON:
J. W. JEFFERY, Government Printer
A.D. 1915