

BILL

No. 28 of 1917.

An Act to Encourage the Increased Raising of Stock in the Province of Alberta.

(Assented to _____, 1917.)

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

1. This Act shall be cited as "*The Live Stock Encouragement Act.*"

2. In this Act—

(a) "Commissioner" shall mean and include the Live Stock Commissioner or Acting Commissioner, and any or all Assistant Commissioners, which may be appointed from time to time by order of the Lieutenant Governor in Council.

(b) "Association" shall mean any five or more persons engaged in practical farming in the Province of Alberta who jointly apply for financial assistance under this Act;

(c) "Purchaser" shall mean any one of the five or more persons who applies for or receive financial assistance under this Act;

(d) "Lender" means any chartered or private bank, corporation, company, partnership, individual or individuals who propose to lend or do lend money under the provisions of this Act;

(e) "Treasurer" means the Provincial Treasurer for the Province of Alberta;

(f) "Minister" means the Minister of Agriculture for the Province of Alberta;

(g) "Department" means the Department of Agriculture of the Province of Alberta;

(h) "Offspring" means and includes all the offspring of the cows and heifers purchased under the provisions of this Act, and the offspring of the female offspring of the same and in like manner any further offspring.

3. Any association may apply to the commissioner for a loan, the proceeds of which shall be used in purchasing live stock, as hereinafter mentioned; provided that the maximum amount of money to be granted by way of loan under this Act shall not to any purchaser exceed the sum of five hundred dollars (\$500.00), the same to be used in purchasing cows and heifers; provided however that upon the consent of the commissioner, a portion of said loan, not to exceed ten per cent. of the said loan, may be used by any group of purchasers for the joint purchase of a pure-bred bull. The said application shall be in writing and shall state the amount of money the association desires for each and every purchaser, and the kind of live stock which each purchaser intends to purchase with same.

4. The commissioner shall, after receiving any such application, notify a lender who shall make due enquiry as to the financial standing of the members of the association and as to the probability of their making prompt pay-

ment of the loan, and shall report to the commissioner giving all information which he has obtained with respect to the members of the association and the probability of their making prompt payment of the loan, together with such further information as the commissioner may require, and shall state in writing the amount of money he is willing to loan the association.

5. If the commissioner shall decide that the association is one which should receive financial assistance under this Act, he shall notify the lender stating the maximum of the guarantee to be given subject to the limit fixed by section 3 of this Act and the portion of the proposed loan each individual purchaser is to receive. And the lender shall take from the association the joint and several promissory note of the members of the association for a period not exceeding five years for the amount of money agreed to be advanced to the association, and approved by the commissioner, together with a fee of \$1 from each purchaser for each \$100 of his portion of the loan to be borrowed, to cover the necessary expense connected with such loan, and shall transmit such fees, together with the promissory note, to the commissioner, which note shall bear interest at a rate not exceeding six per cent. per annum, payable annually.

6. Upon receipt of said promissory note and fees, the commissioner may recommend the treasurer to guarantee to the lender the payment of said promissory note, and the interest thereon, and the treasurer may forward to the lender the note guaranteed as provided in form A to the schedule to this Act, or to the like effect.

7. Upon receipt of the said note so guaranteed the lender shall deposit in some chartered bank to the joint credit of the purchaser and the commissioner, the portion of such loan to which each purchaser is respectively entitled as determined by the commissioner, and the purchaser shall forthwith purchase at a reasonable price, and subject to the approval of the commissioner, live stock of the kind mentioned in his application; and any live stock so purchased shall be branded with a brand recorded in the office of the Recorder of Brands in the name of the Department, in the right of the Province of Alberta, and all the offspring from cows and heifers so purchased shall from time to time be branded in like manner.

8. The commissioner shall, upon being satisfied that all the provisions of this Act have been complied with join with the purchaser in paying out by cheque from the aforesaid bank account, the purchase price of the live stock so purchased.

9. No purchaser shall part with the possession of, sell mortgage, hypothecate or otherwise deal with any of the live stock so purchased or the offspring thereof, until the note given by the association together with all interest thereon, has been fully paid and satisfied and any such parting of possession, sale, mortgage, hypothecation or other dealing and any agreement for the same shall be null and void:

Provided however, that the purchaser may sell any male offspring over two years of age, and may with the

consent in writing of the commissioner, sell any of the live stock, or the offspring, and substitute therefor other live stock approved by the commissioner in writing, or apply the proceeds in whole or in part of such sale in reduction of the association's note as the commissioner may direct.

10. It shall be the duty of the commissioner to keep a proper set of books and accounts containing a record of all financial transactions under this Act, together with a record of all stock purchased and the brands with which the same have been branded, together with all records and information as the Minister may direct.

11. When any payment of principal or interest is made to the lender he shall endorse a memorandum of the same upon the promissory note, and shall forthwith notify the commissioner of the amount and date of such payment, and when any note has been completely paid and satisfied the lender shall forward the same to the commissioner to be cancelled, and the commissioner shall forthwith notify by post each member of the association of the cancellation of such note, and shall cause the brand to be vented on all of the live stock, and increase, of each purchaser being the maker of such note so cancelled.

12. No loan shall be recommended or guaranteed under this Act covering a greater period than five years and it shall be illegal for any lender to charge any association a higher rate of interest than the rate mentioned in the promissory note given by the association to the lender.

13. In case the commissioner for any reason whatsoever is of the opinion that the purchaser is not properly caring for any live stock so purchased or the offspring thereof, or if the purchaser shall violate the provisions of this Act, or attempt to violate the same, or if the purchaser shall make default in the payment of his proportion of the note given by the association or the interest thereon, he may either himself or by his agent or agents, bailiff or bailiffs, take possession of and sell all or any of the stock of the said purchaser and the offspring, and the net proceeds, after deducting all costs and expenses of sale, he shall apply in payment in whole or in part of the said note of the association, and in case after payment of said note there be any balance remaining the same shall be paid to the said purchaser but such sale by the commissioner shall not in any event relieve the purchaser from his obligation to pay the said note and interest thereon excepting to the extent of the amount realized from such sale and applied upon payment of said note.

14. No execution, distraint, attachment or garnishee shall be of any force or effect against any of the live stock purchased under the provisions of this Act or the offspring during the time the purchaser is required by this Act to retain possession thereof, nor while in the possession of the commissioner, nor against the money which may be borrowed on the note guaranteed by the treasurer, or the proceeds of the sale of any such live stock or the offspring.

15. Any person violating any of the provisions of this Act, shall be guilty of an offence and liable on summary conviction to a penalty of not less than.....dollars,

nor more than.....dollars or to imprisonment for
a period of six months or to both.

SCHEDULE A.

FORM OF GUARANTEE.

Pursuant to the Statute in that behalf I do hereby on
behalf of the Province of Alberta guarantee in case of
default by the makers, payment of principal and interest
of the within promissory note.

Dated this.....day of.....A.D. 191...

.....
Provincial Treasurer.

No. 28.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

An Act to Encourage the Increased
Raising of Stock in the Province of
Alberta.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MARSHALL.

EDMONTON:
W. JEFFERY, KING'S PRINTER
1917