

# BILL

No. 48 of 1918.

The Municipal Hail Insurance Act.

(Assented to , 1918.)

**H**IS 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 Municipal Hail Insurance Act*." Short title

2. In this Act, unless the context otherwise requires, Interpretation the words—

(a) "Minister," "Municipal District," "Council," "Councillor," "Reeve," "Elector," "Owner," "Occupant," "Person," "Secretary-Treasurer" and "Land," shall have the same meaning and interpretation as is assigned to them respectively in *The Municipal Districts Act* and any amendments thereto;

(b) "Crop" shall mean and include wheat, oats, barley, Crop flax, rye or speltz;

(c) "Hail Insurance Board of Alberta," "Hail Insurance Board" and "Board" shall mean the Hail Insurance Board of Alberta appointed under this Act; Board

(d) "The Hail Insurance District" shall mean the hail insurance district established under the provisions of this Act;

(e) "Representative" shall mean any person appointed Representative by the council of any Municipal District in the Hail Insurance District to represent that Municipal District at the annual and other meetings of the representatives of the Hail Insurance District;

(f) "Chairman" shall mean the Chairman of the Hail Chairman Insurance Board of Alberta appointed under this Act;

(g) "Member" shall mean a member of the Hail Insurance Board of Alberta appointed under this Act; Member

(h) "Adjuster" shall mean any adjuster appointed under Adjuster this Act;

(i) "*The Municipal Districts Act*" shall mean chapter 3 Municipal Districts Act of the Statutes of Alberta, 1911-1912, and all amendments thereto;

(j) Whenever the word "herein" is used in any section Definition of "herein" of this Act, it shall be understood to relate to the whole Act and not to that section only.

3. Where for proceedings under this Act certain forms Deviation from forms are prescribed, no deviation therefrom, unless affecting the substance or calculated to mislead, shall vitiate the proceedings thereunder and forms to the like effect as those prescribed shall suffice and be effectual.

4. Where in this Act a certain date is fixed on or by which Extension of time certain things are to be done or proceedings had or taken, and if it appears that such date was fixed having regard

to an earlier date fixed or by which certain things are to be done or proceedings had or taken, then, notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date. Where anything is by this Act required to be done on a day which falls on any holiday such thing may be done on the next business day following which is not a public holiday.

#### APPLICATION OF ACT.

5. This Act shall apply to that portion of the Province <sup>Area</sup> of Alberta lying to the south of that line of demarcation described as follows:

Commencing at the point where the North Saskatchewan River crosses the Fourth Meridian; thence westerly along the said North Saskatchewan River to that point where it meets the range line between ranges twenty (20) and twenty-one (21), west of the Fourth meridian; thence westerly along the north boundary of township fifty-six (56) to the range line between ranges twenty-one (21) and twenty-two (22) west of the fourth meridian; thence northerly to the north boundary of township fifty-nine (59); thence westerly along the north boundary of the said township fifty-nine (59) to the range line between ranges six (6) and seven (7) west of the fifth meridian; thence south along the said range line to the North Saskatchewan River; and thence along the said river to the western boundary of the province.

(2) The council of any municipal district which has voted against coming under the operation of this Act at the time of the election referred to in this section and the council of any municipal district which may be formed after that date and lying within the described area may at any time submit to the electors of such municipal district a by-law as hereinbefore provided for the purpose of bringing such municipal district under the operation of this Act.

(3) The council of any municipal district within the described area, but not within the hail insurance district, on the receipt, on or before the fifteenth day of November in any year, of a petition to that effect signed by not less than fifteen per cent. of the electors of such municipal district, as shown by the last voters' list shall at the next meeting of the council but not later than the fourth Monday in the month of December following arrange for the submission to the electors at the next ensuing election of councillors, a by-law as hereinbefore provided to bring the municipal district under the operation of this Act.

(4) Any owner or occupant of land lying within a municipal district within the area to which this Act applies, but <sup>Individuals may adopt Act</sup> not lying within one of the municipal districts constituting the hail insurance district, may, on application to the secretary-treasurer of the municipal district within which his land lies, and subject to such terms and conditions as may be prescribed by the board consistent with the provisions of this Act, become entitled to the privileges and become subject to the provisions of this Act to the same effect as if his lands lay within a municipal district which had elected to be subject to the provisions of this Act.

## ORGANIZATION OF HAIL INSURANCE DISTRICT.

6. The council of every municipal district lying within the area to which this Act applies shall submit to the electors of such districts at the first election for councillors to be held after the passing of this Act a by-law, in the form prescribed by the Minister and in accordance with the procedure prescribed by *The Municipal Districts Act* for the voting on debenture by-laws, as to whether the municipal district shall be brought under the operation of this Act. Council to submit Act for approval of electors

7. Immediately following the voting on the by-law as provided for in section 6 of this Act, the secretary-treasurer of each municipal district so voting shall forthwith forward to the Minister a statement showing the result of the voting, and in the event of forty-five or more municipal districts electing to come under the operation of this Act, the Minister may, by order, notice of which shall be forwarded to each of the said municipal districts and published in *The Alberta Gazette*, establish the municipal districts so electing "The Hail Insurance District."

## DISORGANIZATION OF DISTRICT.

8. At any time after the expiration of five years from the establishment of the hail insurance district any of the municipal districts constituting same may by by-law approved by a majority of the electors in the manner hereinbefore prescribed withdraw from such hail insurance district upon such terms as the Minister may deem just and upon such withdrawal the Minister shall have power to settle and adjust the assets and liabilities of the board among the municipal districts composing the hail insurance district and, if less than forty-five municipal districts remain in such hail insurance district, to wind up the affairs of the board, and his decision shall be final in regard to all matters connected therewith.

## ORGANIZATION OF BOARD.

9. The hail insurance district shall be under the direction of a board of nine members to be known as "The Hail Insurance Board of Alberta." Constitution of board

(2) The members of this board shall be elected by representatives of the municipal districts constituting the hail insurance district, one representative to be appointed by the council of each municipal district.

10. The first meeting of the representatives of the municipal districts in the hail insurance district shall be called by the Minister; such meeting to be held at Calgary on the third Wednesday of March. Meetings of representatives

(2) In each year thereafter a meeting of the representatives of the said municipal districts shall be held on the third Wednesday in March for the purpose of receiving the report of the board as to its operations during the preceding year, the election of new members of the board and for any other business arising out of this Act.

(3) The board may at any time, should it consider the same necessary or expedient, convene a special meeting of representatives to be appointed as provided in section 6 hereof.

(4) The board shall, on the receipt of a petition signed by the reeves of at least twenty-five per cent. of the municipal districts constituting the hail insurance district, convene a meeting of representatives to be appointed as aforesaid.

11. All meetings of representatives after the first meeting shall be convened by the secretary of the board, mailing a notice thereof to the secretary-treasurer of each municipal district constituting the hail insurance district, in the case of annual meetings thirty days, and in the case of special meetings fifteen days, prior to the date fixed for such meetings. <sup>Calling of meetings</sup>

(2) At any meeting of representatives to be convened under the provisions of this Act the attendance of thirty-six representatives shall be necessary to constitute a quorum. <sup>Quorum</sup>

12. Representatives shall be remunerated out of the funds of the board at the rate of \$4.00 for each or part of a day necessarily occupied by them attending such meetings as may be convened under this Act together with the actual costs of transportation incurred and paid by them. <sup>Remuneration of representatives</sup>

13. At the first meeting of representatives to be held after this Act comes into force, the meeting shall elect the board of nine members as by this Act provided. <sup>Election of board</sup>

(2) In the event of there being no poll the first three members nominated shall hold office for three years; the next three members nominated shall hold office for two years and the next three members nominated shall hold office for one year.

(3) In the event of more than nine members being nominated and a poll being necessary, the three members receiving the highest number of votes shall be declared elected for the term of three years following; the three members receiving the next highest number of votes shall be declared elected for the term of two years following; and the three members receiving the next highest number of votes shall be declared elected for the term of one year following.

(4) At all annual meetings of representatives held subsequent to the first meeting three members shall be elected who shall hold office for three years.

(5) Retiring members shall be eligible for re-election.

(6) Notwithstanding the duration of office of members herein fixed, at any meeting of representatives properly convened they may on a vote of at least two-thirds of those present at such meeting recall the appointment of any member or members of the board and elect a substitute or substitutes to fill the vacancy or vacancies so created.

#### POWERS AND DUTIES OF BOARD.

14. The board shall be a corporate body with office in the City of Calgary and shall have the following powers: <sup>The board a corporate body with power to</sup>

(a) To carry on the business of hail insurance under the provisions of this Act; <sup>borrow money</sup>

(b) To borrow money for the purpose of carrying out the objects of its incorporation, to hypothecate, pledge and mortgage its property, rights, assets and prospective revenues, and to sign bills, notes, contracts, and other evidences of or securities for money borrowed or to be borrowed for the purposes aforesaid;

(c) To invest any reserve funds or surplus, as the same may from time to time be accumulated, in such manner as may be approved by the Lieutenant Governor in Council.

**15.** The board may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. Any three members may at any time summon a meeting of the board. Proceedings of the board

**16.** At the first meeting of the board to be held after the annual meeting of delegates they shall appoint one of their own members as chairman, and shall assign his duties and fix his salary. Chairman

(2) If at any meeting of the board the chairman is not present at the time appointed for holding the same, the members present shall choose some one of their number to be chairman of such meeting.

**17.** In the event of the office of chairman becoming vacant through death, resignation or otherwise the board shall take immediate steps to fill the vacancy. Vacancy in office of chairman

**18.** All acts done at any meeting of the board or by any person acting as a member of the board shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such member or person acting as aforesaid or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member. Disqualification of members not to invalidate acts

**19.** The board shall appoint a manager who shall be responsible for the management of the business of the board and who shall engage, appoint and dismiss all employees (except the secretary-treasurer and chief adjuster), and assign to them their respective duties. Appointment of manager

(2) The board shall also appoint a secretary-treasurer and chief adjuster who shall be under the supervision and control of the manager. Secretary-treasurer and chief adjuster

**20.** No member of the board other than the chairman shall be entitled to occupy any salaried position in connection with the operations of the board under this Act. Remuneration of board

(2) Members, other than the chairman, shall be entitled to remuneration for their services at the rate of eight dollars for each day, or part of a day, occupied by them in attendance at meetings of the board together with the actual cost of transportation and subsistence incurred and paid by them.

**21.** In the event of the resignation or death of any member of the board, the remaining members may appoint any person to fill the vacant office until the date of the next meeting of representatives when any vacancies which may have occurred during the year shall be filled:

Provided always that any member of the board elected in substitution for any member who has resigned or died or who has been removed from office under the provisions of section 12 of this Act, shall hold office only for the unexpired term of the member whose place he has taken.

**22.** The board may from time to time make such by-laws or regulations, not contrary to law or inconsistent with the provisions of this Act, for the administration or control of its property and business and for the conduct in all particulars of its affairs as may be considered necessary or expedient for the carrying out of the provisions of this Act according to their true intent and meaning.

#### AUDIT.

**23.** The board shall close its books as at the thirty-first day of January in each year and shall on or before the fifteenth day of May in each year appoint an auditor or auditors who shall on or before the fifteenth day of February following make a full and complete audit of the books, records and accounts of the board for the year ending as at the thirty-first day of January and who shall for the purposes of such audit have access to all the books, records, accounts, vouchers and receipts of the board and shall by the said fifteenth day of February prepare and deliver to the board a full and complete report of the audit.

(2) The board shall immediately on receipt of such auditor's report prepare and publish a complete report of its operations during the preceding year and a copy of such report shall be mailed to the Minister and to the reeve and secretary-treasurer of each municipal district at least ten days prior to the date of the annual meeting.

(3) If the board neglects or refuses to make such an audit, the Minister may appoint an auditor or auditors who shall have the same rights and duties as if he or they had been appointed by the board as aforesaid.

#### CROP REPORTS.

**24.** All owners of or persons occupying land within the hail insurance district and liable to assessment under this Act, shall on or before the fifteenth day of June in each year forward, to the secretary-treasurer of the municipal district within which such land is situated, a return in the form prescribed by the board showing—

- (a) The name and address of the person making the return;
- (b) The acreage of the land owned, or occupied by him within the area of the municipal district;
- (c) The nature of the crops sown thereon and the acreage and location of each crop sown;
- (d) His intention if desired to reduce the rate of indemnity to six dollars per acre.

25. The secretary-treasurer of each municipal district constituting the hail insurance district shall obtain returns as to all crops grown within his municipal district and for that purpose shall furnish all persons requiring the same with the necessary forms to be supplied by the board and shall on or before the first day of July in each year prepare and forward to the secretary of the board a statement, in such form as may be prescribed by the board, showing in detail the names of each owner of or person occupying land within such municipal district whether the owner or occupier shall have made the return required by the immediately preceding section or not, and embodying in schedule form such particulars as may be required by the board.

Secretary-treasurer to prepare and forward returns to board

#### WITHDRAWALS.

26. Any owner, occupier or person liable to assessment under this Act may, prior to the sixteenth day of June in any year after the coming into force thereof, by written notice to the secretary-treasurer of the municipal district within which the land in question lies, withdraw from the operation of this Act any land in respect of which he is liable to assessment; provided, however, that in the case of a non-resident owner of land liable to assessment desiring to withdraw from the provisions of this Act, he shall first secure the written consent of the occupier, if any, of said land. Any land withdrawn from the operation of this Act as herein provided shall remain so withdrawn until such time as application in writing shall have been made by the owner or occupant thereof to the secretary-treasurer of the municipal district within which the same is situate for the re-inclusion of such land within the operation of this Act.

(2) When any crop insured under this Act shall be destroyed from any cause other than hail, the owner or occupant of the land on which such crop was growing, by sending notice by registered letter addressed to the hail insurance board at their office in Calgary, not later than the twentieth day of July in any year giving the location of the crop and furnishing proof satisfactory to the board of such destruction, may withdraw such crop from the operation of this Act for the current year and he shall be entitled to a proportionate rebate in respect of the hail insurance tax payable for crop so withdrawn; provided, however, that no rebate shall be granted for any portion of such crop that may be harvested.

#### CLAIMS.

27. Any person owning a crop or a portion of the crop or any person having an interest therein, upon lands subject to assessment under this Act which is damaged by hail between the sixteenth day of June and the fifteenth day of September, both inclusive, or in the case of fall wheat and rye, between the first day of June and the fifteenth day of September, both inclusive, shall within three days from the date on which such damage shall have been sustained, give notice of such damage to the hail insurance board at Calgary by registered letter, such notice to be in the form prescribed by the board and shall show in detail—

Notice of claims

- (a) The name and address of the claimant;
- (b) The nature of the crop and the legal description of the land upon which it was grown;
- (c) The number of acres damaged;
- (d) The percentage of damage done;
- (e) The nature and amount of the claimant's interest in the crop;
- (f) If there be any other person or persons jointly interested with him in the said crop, the nature and amount of their interest therein;
- (g) In case such claimant does not reside within two miles of the location of the crop in respect of which claim is being made, the name of some party resident within two miles of such crop who will act as the agent of such claimant and the section, township and range where such agent resides and such agent shall be recognized by the adjuster making the inspection as representing the claimant for the purposes of the inspection.

#### ADJUSTMENT AND AWARD.

**28.** Upon the receipt of any such claims as aforesaid the board shall, through its proper officer, immediately instruct an adjuster to inspect the crop who shall make every possible effort to see the claimant, or in the absence of the claimant, his agent named as aforesaid and upon the completion of the inspection shall appraise and report upon the claim and shall recommend to the board the indemnity which he thinks should be payable. <sup>Inspection and report by adjuster</sup>

(2) The adjuster shall endeavour to secure the written concurrence of the claimant or his agent to the report and recommendation as to compensation made by him and the report and concurrence (if any) shall be forwarded to the board. If the adjuster has been unable to secure such concurrence the reason of his failure to do so shall be stated in the report.

(3) A copy of such report shall be forwarded to the claimant or his agent named as aforesaid and if the claimant or his agent is dissatisfied with such report he may within five days of the receipt of such report by him, mail by registered letter addressed to the hail insurance board at its office in Calgary, notice of appeal therefrom stating reasons therefor.

(4) The board shall consider the allegations of all persons so appealing as soon as conveniently may be and may call for further evidence which shall be taken by way of statutory declaration or otherwise as the board may direct and shall vary or confirm the report of the adjuster as it may deem proper.

(5) The decision of the board as to the amount of the loss so sustained by any claimant and the indemnity payable therefor shall be final and conclusive, and shall not be questioned by any court on any grounds whatsoever.

**29.** The maximum indemnity to be paid for total loss shall be eight dollars per acre; provided that any person desiring so to do shall on or before the fifteenth day of June in each year as provided for in section 25 of this <sup>Rate of indemnity</sup>



Act, reduce the rate of indemnity payable to six dollars per acre and the premium to be paid therefor as hereinafter provided shall be reduced proportionately.

**30.** In the event of any claim being made for indemnity<sup>Share of indemnity</sup> for damage under the terms of this Act in respect of any land worked by the occupant on "share of crop" basis the amount of the indemnity shall be paid over to the owner and occupant on the same basis as the agreement come to for the division of the crop unless the terms of the lease between them otherwise provide, and in the event of any arrangement between the owner and the occupant, as to the allocation of any indemnity payable under this Act such arrangement shall form the basis of the division of the indemnity to be followed by the board.

#### PAYMENT OF INDEMNITY.

**31.** The board shall, within thirty days of the date of<sup>Payment of claim</sup> its decision as to the amount of indemnity to be paid as hereinbefore provided, make payment of such sum to the person or persons entitled thereto, but shall deduct therefrom—

- (a) The amount of arrears of hail insurance tax owing by such person or persons to the municipal district within which the said damaged crop was situate and which sum shall be paid to the secretary-treasurer of such municipal district to be credited by him upon the arrears so owing by such person or persons, and
- (b) A sum representing ten per cent. of the total insurance under this Act carried by such person or persons within the municipal district within which the damaged crop, in respect of which such indemnity is payable, was situate, and until such time as the rate of tax payable under this Act for the then current year shall have been determined, when the board shall remit to the secretary-treasurer of such municipal district out of the moneys so deducted the amount of tax so payable by such person or persons for the then current year together with the arrears deducted as afore-said and shall remit to such person or persons direct the balance, if any, remaining in their hands.

**32.** The board shall, subject to the provisions of the<sup>Provisions for payment</sup> immediately preceding section, pay all indemnities awarded under the Act out of the reserve fund, if any, or by means of moneys borrowed by them by virtue of the powers herein contained.

#### THE RATE.

**33.** The board shall immediately subsequent to the<sup>Fixing the rate</sup> fifteenth day of September in each year, proceed to fix the rate to be levied upon each acre of crop insured by virtue of this Act and the total assessment shall be sufficient—

- (a) To pay all expenses of administration together with interest and other charges upon money borrowed;
- (b) To pay all indemnities awarded by the board during the year;

- (c) To create and maintain a reserve fund equal to eight per cent. of the total risk during the then current year; no contribution to the reserve fund, in any year, shall exceed twenty per cent. or be less than ten per cent. of the total indemnities paid for the then current year unless the necessary reserve can be maintained by less.

**34.** Immediately after the rate has been fixed as provided for in section 33 of this Act, the board shall apportion the total amount to be levied among the various municipal districts in accordance with the respective acreages under crop and shall on or before the first day of October in every year notify the secretary-treasurer of each municipal district, subject to the provisions of the Act, as to the rate of the tax and the total amount payable by such district.

Amount payable by municipal districts

**35.** Every municipal district constituting the hail insurance district shall on or before the fifteenth day of November, in the year in respect of which the tax is levied, pay to the board the sum payable by such municipal district, and such sum shall be a debt due by such municipal district, to the board and shall bear interest at the rate of eight per cent. per annum from the time the same became due until paid and may be recovered by action in any court of competent jurisdiction in the Province of Alberta.

Assessment payable by municipal district to the board

**36.** Upon receipt of notice from the board as to the rate to be levied the secretary-treasurer of each municipal district shall assess the owners of the land upon which the insured crop is grown with the tax levied by virtue of this Act and the said taxes shall be levied in this same manner, and subject to the same penalties for non-payment as municipal taxes.

Assessment of tax

**37.** The board may by resolution authorize its chairman and secretary-treasurer from time to time to borrow from any person, bank or corporation such sum as the board may deem necessary to carry on the business of the district, and for the payment of unpaid awards, and the sum so borrowed shall be a debt owing by the district, and shall be recoverable as such, and shall be repaid out of, and be a first charge upon the taxes levied by any municipal district in the district for hail insurance purposes, and any moneys borrowed by the council of any municipal district under this section, not paid by the municipality to the board; provided that the board may by such resolution authorize that the sum so borrowed may be further secured by such promissory note or notes, assignment, covenant or agreement of the chairman and secretary-treasurer given under the seal of the board as may be fixed by such resolution.

Borrowing of money

(2) The council of any municipal district may by resolution authorize the reeve and treasurer to borrow from any person, bank or corporation such sums of money as may be required to enable it to pay in full the hail insurance board the amount of the rates herein provided for during the then current year, and the making of such loan by any municipal district for such purpose shall not limit or impair its borrowing powers under any Act or law fixing or limiting the same. Such loan may be secured by promissory note

or notes of the reeve or treasurer given under the seal of the municipal district and on behalf of the council, and the amount so borrowed shall be repaid out of and be a first charge upon the taxes which are collected for hail insurance purposes for the year in which such amount was borrowed.

(3) In every year all taxes collected by any municipal district for hail insurance purposes and all moneys borrowed under this section shall be kept by the council of such municipal district in a separate account and deposited in a chartered bank in a trust fund to be styled "Hail Tax Trust Fund" and shall only be paid thereout to or in payment of any sum or sums borrowed by the hail insurance board.

**38.** Any person who fails to perform any duty or send Penalties in any notice or return required of him by this Act or who makes a return or statement under this Act which is wilfully false or misleading in any particular or who performs any act forbidden herein shall be deemed guilty of an offence and upon summary conviction shall be liable to a penalty of not less than ten dollars nor more than fifty dollars.

**39.** If anything required to be done by or under this Act Minister may extend or alter time for performance of acts at or within a fixed time cannot be or is not so done, the Minister may by order from time to time appoint a further or other time for doing the same, whether the time within which the same ought to have been done has or has not expired.

(2) Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under this Act.

**40.** The Lieutenant Governor in Council shall have power Lieutenant Governor in Council may make regulations to make regulations not inconsistent with this Act which may be required for the better carrying out of the purposes of the Act.

**41.** *The Municipal Hail Insurance Act*, being chapter 18 Repeal of Municipal Hail Insurance Act of the Statutes of Alberta, 1915, and amendments thereto, shall continue to be operative until repealed by order of the Lieutenant Governor in Council.

No. 48.

---

FIRST SESSION  
FOURTH LEGISLATURE  
8 GEORGE V  
1918

---

**BILL**

The Municipal Hail Insurance Act.

---

Received and read the

First time.....

Second time.....

Third time.....

---

HON. MR. GARIEPY.

---

EDMONTON:  
J. W. JEFFERY, KING'S PRINTER  
A.D. 1918