

BILL

No. 72 of 1921.

An Act to amend The Municipal Districts Seed Grain Act.

(Assented to _____, 1921.)

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

1. Section 2 of *The Municipal Districts Seed Grain Act*, being chapter 10 of the Statutes of Alberta, 1918, is amended by adding as paragraphs (d) and (e) thereof the following:

“(d) ‘Owner’ means and includes any person who appears by the records of the land titles office of the land registration district within which such land is situated to have any interest in any land in the district other than as mortgagee, lessee or encumbrancee, and means and includes any *bona fide* purchaser of any such land under written agreement for sale;

“(e) ‘Parcel of land’ shall mean any lot or parcel of land in a municipality which is separately assessed on the assessment roll thereof.”

2. Section 3a is added to the said Act as follows:

“3a. Whenever the Province of Alberta is called upon under its guarantee to pay any sum of money advanced for the purpose of supplying seed grain to farmers, then the Lieutenant Governor in Council may pay the same out of the general revenue fund, or make arrangements for raising such money by loan or otherwise without any further appropriation than is provided by this Act.”

3. Section 6 of the said Act is amended by striking out the words “heretofore taken” where they occur in the proviso thereto, and substituting therefor the words “taken prior to the nineteenth day of March, 1920.”

4. Section 8 of the said Act is amended—

(a) By striking out the words “under the provisions of the Act hereby repealed,” and inserting in lieu thereof the words “under the provisions of *An Act to amend The Municipal Districts Seed Grain Act*, being chapter 11 of the Statutes of Alberta, 1919”;

- (b) By adding at the end thereof the following:
 "Notwithstanding any limitation contained in this section any municipal district may advance to any such person as is hereinbefore described a quantity of seed grain of the value of fifty dollars for use during the year 1921."

5. Section 10 of the said Act is hereby struck out, and the following is substituted therefor:

"10. The secretary-treasurer shall take from every person to whom seed grain is supplied, at the time of the signing of any such demand note, a written agreement for a lien, which may be in form B in the schedule hereto, in favour of the municipal district upon all crops grown upon the land named in his application during the year in which the note is given.

"(2) Notwithstanding any other provisions of this Act when a municipality files or has filed a lien in any year in respect of an advance made by it to any person under the provisions of this Act, such municipality shall in every year thereafter have—

"(a) A lien upon all crops grown from seed advanced to such person by such municipality;

"(b) A lien upon the land named in the application of such person, except where the person making the application is not the owner of such land;

"(c) A lien upon all crops grown upon the land named in the application, except when the advance was made to a person who was not at the time of the advance owner of such land, and the land has ceased to be in the occupation or possession of such person.

"(3) The secretary-treasurer shall cause notice of each lien agreement, which notice may be in form C in the schedule hereto, to be duly registered within sixty days of the date of the agreement with the registration clerk for chattel mortgages in the registration district in which the land so named is situated in the manner provided by *The Bills of Sale Ordinance*. Upon payment in full of the amount of the lien agreement the secretary-treasurer shall, if so requested, give a discharge of the lien agreement, which said discharge may be registered in a manner similar to that provided for the registration of the lien, and said discharge may be in form D in the schedule hereto.

"Provided, however, that the affidavits mentioned in section 6 of the said Ordinance shall

not be required to accompany such lien agreement or discharge thereof, nor shall any fees be payable in respect of the registration thereof.

“(4) It shall be the duty of the secretary-treasurer of each municipal district to enforce any lien created by or under this Act if the full amount of principal and interest due under the demand note be not paid prior to the fifteenth day of October of the year in which the note is given; and the remedies provided by *The Municipal Districts Act* for the collection of taxes, with costs by distress or suit shall be available for the collection of the said indebtedness at any time after the date herein mentioned.

“(5) Any person who, while such note remains wholly or in part unpaid, sells, ships or otherwise disposes of the grain covered thereby, whether by himself or through his servant or agent, except as the property and for the account of the municipal district, shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding one hundred dollars exclusive of costs; and on default of payment thereof to imprisonment for a term not exceeding two months.

“(6) All notices as to liens taken under the provisions of this section at any time prior to the first day of May, 1921, if registered within sixty days of the passing of this Act, shall be good notwithstanding that the provisions of this Act at the time when such agreement was made may have required that the notice of the lien should be filed within thirty days of the date of such agreement.”

6. Section 11a of the said Act is struck out, and the following is substituted therefor:

“**11a.** In the event of any moneys advanced to residents under the provisions of this Act or of *The Municipal District Relief Act* by any municipal district not being repaid prior to the 31st day of December next following such advance, the council may for the purpose of repaying such moneys to the person, bank or corporation from whom or which the money advanced was borrowed, borrow a sum or sums of money equal to the amounts due to such person, bank or corporation and may issue a debenture or debentures to secure the amount of the principal and interest of the money loaned.

“(2) Any such debenture when signed by the reeve and treasurer of the municipal district and sealed with the corporate seal thereof and the coupons thereto attached, when signed by the reeve

and treasurer of the municipal district shall bind the municipal district and create a charge or lien upon all municipal property and rates and taxes in the municipal district.

“(3) Any such debenture or debentures shall be for a term not exceeding five years and shall provide for equal annual payments of principal and interest throughout the term of the debenture.

“(4) Any such debenture or debentures may be guaranteed by the Provincial Treasurer on behalf of the province upon the direction of the Lieutenant Governor in Council in such form and manner as may seem fit to the said Provincial Treasurer.

“(5) Whenever the province is called upon to expend any moneys under the provisions of any guarantee issued under the authority of this section, then the Lieutenant Governor in Council may raise by way of loan the amount of such moneys by such means as seem proper and convenient and may expend the same in the fulfilment of the said guarantee without any further or other appropriation than is provided by this section.

“(6) In order to meet the annual payments due under any debenture or debentures issued under the provisions of this Act, the council shall each year strike a rate per dollar of the total amount remaining due upon any note or notes given under the provisions of this Act or of *The Municipal District Relief Act*, in respect of lands within the municipality, except any note which is not secured by a charge upon land, or is not made by a person owning land in the municipality.

“(7) Each parcel of land which, or any part of which, was, under the provisions of this Act, or of *The Municipal District Relief Act*, charged with any advance or advances or any part of an advance shall have a debenture value of the amount remaining payable in respect of any note or notes given to secure such advance or advances and shall each year be liable to taxation at the rate fixed by the council per dollar of its debenture value.

“(8) Each parcel of land owned by any person who, under the provisions of this Act, or of *The Municipal District Relief Act*, owes any money shall have a debenture value of the amount of such money and shall each year be liable to taxation at the rate fixed by the council of its debenture value.

“(9) Where any parcel of land is liable to taxation under both subsections 3 and 8 then only the greater of such taxes shall be collected, and where more than one tax can be collected under

the provisions of either subsections 7 or 8 then only one tax shall be collected under that subsection.

“(10) Where money has been advanced to any person under the provisions of this Act or of *The Municipal District Relief Act* and the repayment thereof is not secured by a charge upon land and such person does not own any land within the municipality, then any money realized by the municipality in respect of such advance shall be paid into a separate account by the municipality to be utilized by it in the *pro tanto* discharge of its debenture indebtedness incurred under the provisions of this Act or of *The Municipal District Relief Act*, at such time or times as may be convenient, or in the repayment to the municipality of any sums lawfully taken from the general revenue fund of the municipality for the payment in whole or in part of the debenture indebtedness incurred under the provisions of this Act or of *The Municipal District Relief Act* as the Minister may direct.

“(11) The tax hereby authorized shall be collected and enforced in the same manner as municipal taxes.

“(12) The provisions of this section shall not in any way affect any liability of any person in respect of money advanced under the provisions of this Act or of *The Municipal District Relief Act* nor the rights of a municipal district.

“(13) If the amount of the tax collected in any year is less than the instalments of principal and interest falling due under the debenture or debentures in that year, then the deficiency may be borrowed by the council from any person, bank or corporation upon the promissory note or notes of the reeve and treasurer given under the seal of the municipal district, but the amount so borrowed shall be included in the general levy of the municipal district for the succeeding year.

“(14) If any municipal district refuses to or does not issue debentures under the provisions of this Act and the Province of Alberta is called upon to pay and has paid any promissory note given by the municipal district, then the Minister may issue any such debenture or debentures as may be authorized hereinbefore to be issued by a municipal district and apply the proceeds of such debentures to discharge the indebtedness of the district to the Government of Alberta.

“(15) Any debentures so issued by the Minister shall be of a like nature to those hereinbefore authorized and shall have the same effect.

“(16) When any municipality neglects or omits to conform to the provisions of this section for any reason, then the Lieutenant Governor in Council may appoint an administrator of the affairs of such municipality who shall have all the powers of such council and of all of its officers and shall be paid such salary as may be from time to time fixed by order in council out of the funds of the municipality.

“(17) An administrator under this section may be appointed from time to time and may be removed from office at any time and may be appointed when for any reason there is no council or there is only a minority of members thereof, and directions may be given by the Lieutenant Governor in Council at any time as to the election of a council to take the place of any administrator who may be removed from office under the provisions of this Act.”

No. 72.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to amend The Municipal
Districts Seed Grain Act.

Received and read the

First time

Second time

Third time

HON. C. R. MITCHELL.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1921