

BILL

No. 73 of 1921.

An Act respecting Advances for the Purchase of Feed and for Assistance to Farmers, and the Securities for Repayment Thereof.

(Assented to , 1921.)

WHEREAS the Government of the Province of Alberta has advanced goods to farmers in districts other than municipal districts in the province who are in need owing to certain adverse conditions;

And whereas at the time of the making of the said advances one or more of the securities set out in the schedule hereto was or were taken to secure the value of the goods so advanced;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. "Goods" in this Act shall include grain, feed, hay, fodder, flour and any other commodity necessary for the adequate sustenance of life in man or animal.

2. All the said advances so secured are hereby validated, confirmed and declared to be legal and binding, and the Government is hereby authorized to make advances of goods to the persons denoted in the preamble hereto at any time prior to the first day of June, 1921, and shall take as security for the repayment thereof a security in form A or form B or in both forms.

(2) Not more than one hundred dollars' worth of goods shall be advanced to any one person.

(3) All sums of money secured as aforesaid shall be debts due to His Majesty in the right of the Province of Alberta, payable according to the tenor of the security or securities.

(4) The Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to procure any goods, the advance of which is authorized under this Act, and to advance the same out of the general revenue fund without further or other appropriation.

3. A security in form A shall operate and be taken to have operated as a mortgage of goods and chattels and shall

have the same effect and confer upon His Majesty in the right of the Province of Alberta the same rights as are given to a mortgagee who has complied with all the provisions of *The Bills of Sale Ordinance* under a registered mortgage made in accordance with the provisions thereof.

4. A security in form B shall be completely effective according to the tenor thereof and shall have and shall be taken to have had the same effect and confer upon His Majesty in the right of the Province of Alberta the same rights as were possessed by a mortgagee under a registered mortgage in form N in the schedule to *The Land Titles Act*, prior to the first day of January, 1917.

5. All moneys due His Majesty in the right of the Province of Alberta under the provisions of this Act shall be payable to the Provincial Treasurer of the Province of Alberta, and the Provincial Treasurer shall be entitled to maintain and carry on all actions, suits and proceedings necessary for the due collection of any such money

(2) In the event of any proceedings being instituted for the collection by action, suit, proceedings, process, or seizure of any such money, it is hereby declared that *The Exemption Ordinance* shall not apply thereto.

6. The cause of action upon any security given under this Act shall continue to exist so long as the said security, or the moneys secured, or any part thereof, remains unpaid, and the provisions of any statute limiting the time for the commencement of actions or suits shall not apply to actions or suits instituted to recover the amount of the principal secured and interest thereon.

7. The Minister of Agriculture shall register or cause to be registered any security in form A within ninety days after the passing of this Act, or the taking of such security, whichever event shall happen last, with the registration clerk for chattel mortgages in the registration district in which the chattels covered by the said mortgage are situate, and may cause the same to be renewed in the manner described by *The Bills of Sale Ordinance*, and the said clerk shall register the same as if it were in all respects in complete compliance with the said Ordinance.

8. The Minister of Agriculture shall register or cause to be registered any security in form B in the land titles office for the land registration district in which the lands comprised in such security are situate.

9. All registrations, including the entering and recording of the memorandum of mortgage upon the certificate of

title in the register and upon the duplicate certificate of title and all discharges and renewals, shall be without fee.

10. The provisions of *The Dower Act* shall not apply to mortgages created or validated under the provisions of this Act.

11. All registrations of securities A or B made before the passing of this Act are hereby validated, confirmed, and declared to be legal and binding.

12. The discharge of any security given under this Act may be in the form of a receipt by the Provincial Treasurer for all moneys secured thereby.

13. A security taken in form A shall, in respect of live stock covered thereby, have priority over all chattel mortgages, executions and over all proceedings by way of distress, whether for rent or taxes or otherwise.

14. The charge created by form B shall have precedence over all other encumbrances against the land except taxes and other sums which may by law be charged against the land in the same manner as taxes, and except first mortgages, whether they are first mortgages at the time when the charge is created or lodged, or become so by the discharge of previous mortgages; also except such liens as the province may file or have to secure the payment of any tax imposed or fee payable to it under the provisions of any provincial statute.

15. Any person who uses or attempts to use money if supplied to him for the purchase of goods for any other purpose, or misapplies any goods, or attempts to misapply any goods, purchased with money supplied under the provisions of this Act, without the written consent of the Minister of Agriculture, shall be liable on summary conviction to a fine of not less than fifty dollars nor more than two hundred and fifty dollars and costs, and in default of payment forthwith after conviction to imprisonment not exceeding six calendar months nor less than one calendar month.

16. No part of either forms A or B shall operate as a merger of any other part.

SCHEDULE.

FORM A.

I,,
of the, in the Province of

Alberta (*set out occupation*) whose post office address is
 do hereby promise to pay to the
 Treasurer of the Province of Alberta, on or before the first
 day of January, 1922, at the Imperial Bank in the City of
 Edmonton, the sum ofdollars, with
 interest thereon at the rate of seven per centum per annum
 from the date hereof, as well after as before maturity,
 the consideration therefor being an advance to me, by the
 Government of the Province of Alberta through the Depart-
 ment of the Minister of Agriculture, of goods to the value
 of the above amount, particulars thereof being as follows:

.....
 It is further understood and agreed that this instrument
 and promissory note shall have the same force and effect as a
 chattel mortgage duly given by me in accordance with any
 Statute of the Province of Alberta respecting chattel
 mortgages on the chattels hereinafter particularly mentioned.

Chattels are particularly described as follows:.....
 (*Description should be in detail, cattle by marks, colour,
 ages, etc., machinery by makes, numbers, etc.*)

Said chattels are my property and are situate on:
 Section....., Township....., Range.....,
 west of the.... meridian, in the.....
 Judicial District of the Province of Alberta.

Signed in triplicate, at.....,
 in the Province of Alberta, this.....day
 of....., A.D. 19.....

Witness.....
 (*The same having been first read over and explained.*)
 (*Collateral to real estate notes covering patented and un-
 patented lands also given for same advance.*)

FORM B.

I.....,
 of the....., in the Province of
 Alberta (*set out occupation*), whose post office address is
, do hereby promise to pay to
 the Treasurer of the Province of Alberta, at the Imperial
 Bank, in the City of Edmonton, on or before the first day
 of January, 1922, the sum of
 dollars, with interest thereon at the rate of seven per centum
 per annum from the date hereof, as well after as before
 maturity, the consideration for the foregoing promise being
 an advance to me by the Government of the Province of
 Alberta, through the Department of the Minister of
 Agriculture, of goods to the value of the above amount,
 particulars thereof being as follows:.....

I further agree that the amount due by virtue hereof shall be and remain until paid a lien and charge upon my land, being the.....of Section....., Township....., Range....., west of the.....Meridian, in the Province of Alberta.

Signed in triplicate at in the Province of Alberta, this..... day of.....A.D. 19....

Witness:

.....
(The same having been first read over and explained.)

No. 73.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act respecting Advances for the
Purchase of Feed and for Assist-
ance to Farmers, and the Securi-
ties for Repayment Thereof.

Received and read the

First time

Second time

Third time

HON. D. MARSHALL.

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