

BILL

No. 75 of 1921.

An Act respecting Advances for the Purchase of Seed Grain
and the Securities for the Repayment Thereof.

(Assented to _____, 1921.)

WHEREAS there are certain localities in the Province of Alberta, other than municipal districts, in which it is advisable to render assistance to persons engaged in agricultural pursuits to enable them to procure seed grain for use in the season of 1921;

And whereas it is expedient to provide means whereby such persons may procure the seed grain and for securing the repayment of the same;

Therefore His 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 Seed Grain Act, 1921.*"

2. The Provincial Treasurer is hereby authorized on such terms and conditions, not inconsistent with the provisions of this Act, as may be agreed upon with any chartered bank or other person advancing seed grain or money for the purchase of seed grain for use on lands other than in municipal districts, to guarantee the payment of the value of the seed grain or of the amount of principal and interest of any money advanced; provided always that the value of such seed grain or the amount of such principal advanced in respect of any one quarter section shall not exceed the sum of one hundred dollars in any one year; and provided further that the said value or principal, together with the amount unpaid of any assistance given in respect of the said quarter section under the provisions of any of the Acts respecting advances for the purchase of seed grain and feed and the securities for the payment thereof, enacted in the years 1917, 1918, 1919 and 1920, or under the provisions of chapter 14 of the Statutes of Alberta, 1915, and amendments thereto, shall not exceed the sum of nine hundred dollars.

(2) The Provincial Treasurer shall by reason of the guarantee of the province be entitled to take all or any of the securities hereinafter provided, and shall also be entitled to maintain and carry on all actions, suits and proceedings necessary for the due collection of any advance of money or seed grain under this Act.

3. The Provincial Treasurer or the Minister of Agriculture or any person authorized in writing by either of them may authorize any person to advance seed grain or any chartered bank in the province to advance, for the purchase thereof, money to owners or occupants of patented lands, and the authority may be in the form of schedule B hereto.

4. The Provincial Treasurer or any chartered bank or other person having advanced seed grain or money for the purchase of seed grain under this Act, may take additional security for such advance by all or any of the following methods, that is to say—

1. By promissory note or notes;
2. By a mortgage affecting lands;
3. By chattel mortgage;
4. By seed grain lien on land.

APPLICATIONS FOR SEED GRAIN.

5. All applications for seed grain or advances to purchase seed grain shall be made to the Minister of Agriculture in accordance with the form set forth in schedule A hereto.

SECURITY BY PROMISSORY NOTE.

6. In the case of each advance of seed grain or money under this Act, a promissory note may be taken in favour of the Provincial Treasurer or chartered bank or other person from the person or persons to whom any such advance is made, for the value of such advance; and each such promissory note shall be payable on the first day of October, A.D. 1921, together with interest thereon at a rate to be agreed upon between the parties, not exceeding eight per centum per annum; and each such promissory note made and delivered in pursuance of this Act shall be made payable to the lender, or to his, their, or its order, and the holder or holders thereof may institute and carry on all and any actions, suits or proceedings which he, they, or it may deem desirable or necessary for the due recovery of the moneys secured by any such promissory note or any part thereof. The form of the note may be as set forth in schedule C hereto.

(2) When any promissory note executed under the provisions of this Act and guaranteed by the Provincial Treasurer on behalf of the province (including a renewal note given under this subsection) falls due and is not paid in full on the due date, the Provincial Treasurer is hereby authorized to guarantee a renewal note for a principal amount equal to the principal and accrued interest then due and remaining unpaid. The rights of all parties under

and in connection with such renewal note shall be the same as if such note were an original note taken under this Act.

(3) Such renewal note shall be made payable not later than the first day of October next after the making thereof, and the rate of interest thereon shall not exceed the rate of interest borne by the original note.

(4) Notwithstanding anything contained in *The Seed Grain Act, 1917* or in *The Seed Grain Act, 1918*, or in *The Seed Grain Act, 1919*, or in *The Seed Grain Act, 1920*, the Provincial Treasurer may guarantee a renewal of any note given under any of the said Acts in like manner, and subject to the like conditions as if such note had been given under this Act, and the rights of all parties under and in connection with such renewal shall be the same as under the original note so renewed.

SECURITY BY MORTGAGE ON REAL ESTATE.

7. The Provincial Treasurer, chartered bank, or other person may, for the better securing of the said advance, accept, in addition to any promissory note under this Act, a mortgage or encumbrance under *The Land Titles Act* on real estate, and it shall be the duty of the registrar of land titles of the registration district in which the lands covered by such mortgage or encumbrance are situate to enter and record, without fee, a memorandum of the mortgage or encumbrance upon the certificate of title in the register, and upon the duplicate certificate.

(2) Every such mortgage or encumbrance shall have the same effect and confer the same rights upon the mortgagee as if the same were duly registered in the ordinary manner and under the provisions of any Statute or Statutes of the Province of Alberta respecting the registration of mortgages on real estate.

(3) Every such mortgage or encumbrance may be discharged without fee, in the manner provided by any such Statute.

SECURITY BY CHATTEL MORTGAGE.

8. The Provincial Treasurer, chartered bank, or other person, may, for the better securing of any advance under this Act, accept in addition to any promissory note under this Act, a chattel mortgage as security for the said advance, and it shall be the duty of the registration clerk for the registration of chattel mortgages in the district in which the property covered by such mortgage is at the time of the execution of the instrument, to enter and record the same, without fee, in the books for registration of chattel mortgages.

(2) Every such mortgage shall have the same effect and confer the same rights upon the mortgagee as if the same were duly registered in the ordinary manner under the provisions of any Statute or Statutes of the Province of Alberta, respecting the registration of chattel mortgages.

(3) There shall be no time limit for the filing of such chattel mortgages, neither shall it be necessary to renew the same under the provisions of any Statute of the province, and such chattel mortgage may be discharged, without fee, in the manner provided for the discharge of any chattel mortgage under any such Statute.

SEED GRAIN LIEN ON LAND.

9. The Provincial Treasurer, chartered bank, or other person may, as additional security, file or register in the land titles office for the land registration district in which the lands therein referred to are situate, a statutory lien, signed by the applicant, for an advance, setting forth the information as shown in schedule D hereto.

(2) It shall be the duty of the registrar of every land titles office in which the land or portion thereof shown in the statutory lien are situate to enter and record, without fee, as a lien or charge against the lands respectively shown therein, the amount advanced for the purchase of seed grain.

(3) Every such statutory lien so filed and entered aforesaid shall to the amount named therein with interest thereon operate as a lien or charge in favour of the province against the land or lands therein described.

(4) Upon payment of the amount mentioned in such statutory lien and the interest thereon, under the provisions of this Act, a certificate in writing by the Provincial Treasurer, the Minister of Agriculture, the Superintendent of the Seed and Weed Branch, or his assistant, or the manager for the time being of the chartered bank or other person advancing the money, certifying that such amount has been paid, shall operate as a discharge of said lien or charge and shall upon production thereof be filed or registered without fee by the registrar of land titles and an entry made that such lien has been discharged.

SEED GRAIN LIEN ON CROP.

10. It is hereby declared that there shall be a lien or charge upon all grain grown upon the land in respect of which any seed grain or money has been advanced under this Act.

(2) If any grain grown upon the land in respect of which seed grain has been advanced is sold, the proceeds of such

sale or such portion thereof as will cover the indebtedness under this Act shall be forthwith recoverable by action at law.

(3) The Provincial Treasurer may demand from any person or corporation having the same in his or its possession all grain cheques or other documents in respect of any grain grown on said lands, and such person or corporation shall deliver up to him or to some person whom he may appoint, all such grain cheques and other documents, and the moneys recoverable thereunder may be applied towards the payment of any advance under this Act.

ACTIONS, SUITS AND PROCEEDINGS.

11. The Provincial Treasurer, chartered bank or other person, may at any time, should he see fit so to do and without any preliminary proceedings, declare any security other than a promissory note given under this Act, immediately due and payable, notwithstanding the tenor thereof, and in addition to any other proceedings that may be instituted for the collection of the amount due thereon may authorize any person on his behalf to enter upon the said land and seize and sell the grain thereon in satisfaction of the said security and any interest thereon.

12. The Provincial Treasurer, chartered bank, or other person, may maintain and carry on all suits, actions and proceedings necessary for the due collection of any advance given in pursuance of the provisions of this Act.

13. In the event of any proceedings being instituted for the collection by action, suit, proceedings, process, or seizure of the amount advanced, pursuant to the provisions of this Act, or any part thereof, it is hereby declared that *The Exemptions Ordinance* shall not apply thereto.

CAUSE OF ACTION.

14. The cause of action upon any promissory note or other security given to secure any advance under this Act for the purchase of seed grain shall continue to exist so long as the said note 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 and interest thereon, due to the province or any chartered bank or other person upon any such promissory note or other security given under the provisions of this Act.

ADVANCES TO OCCUPANTS.

15. No advance of seed grain or money to purchase seed grain under this Act shall be made to an occupant of any land except by and with the consent of the owner, in which case both the owner and occupant shall sign the statutory lien and the occupant shall make and deliver a note in favour of the Provincial Treasurer or chartered bank or other person, as the case may be, for the amount of such advance, and the land of the owner shall moreover be liable therefor and be subject to the lien constituted by this Act, upon such statutory lien being filed against the land in the land registration district in which the lands are situate:

Provided always that in any particular case the Provincial Treasurer or the Minister of Agriculture or any other person thereunto authorized in writing by either of them may by writing dispense with the consent or signature of the owner otherwise required by this section.

PENALTIES.

16. Any person who has received or receives an advance of money to purchase seed grain under the provisions of this Act and who disposes of such advance or the seed grain or any part thereof, or makes use of any other portion of the same for any other purpose than actually sowing on the land in respect of which the same is obtained, shall be liable on summary conviction to a fine of not less than \$50 nor more than \$250 and costs, and in default of payment forthwith after conviction to imprisonment not exceeding six calendar months, nor less than one calendar month.

17. The Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil any guarantee given under this Act and to advance the amount necessary for that purpose out of the general revenue fund.

COMMENCEMENT OF ACT.

18. This Act shall be deemed to have had operation on, from and after the first day of February, A.D. 1921, and every advance for the purchase of seed grain during the season 1921 made prior to the passing of this Act is hereby approved, ratified and confirmed, and any and every security taken for such advance shall be as effectual and binding notwithstanding the omission of any of the formalities (if any) required by this Act in respect to such security, and the guarantee of the Provincial Treasurer shall extend to any and every such advance notwithstanding the same may have been made prior to, or in noncompliance with this Act.

SCHEDULE A.

APPLICATION FOR ADVANCE FOR SEED GRAIN.

No.....

Statutory declaration made by owner (*or* occupant) of patented land, and application for advance of seed grain from Provincial Government of Alberta.

I,..... of..... in the Province of....., do solemnly declare:

That I am desirous of obtaining from the Government of the Province of Alberta an advance for the purchase of seed grain and for the purpose of obtaining such advance make this solemn declaration:

That I am the registered owner (*or* occupant) of the quarter of Section..... Township..... Range..... west of the..... Meridian in the Province of Alberta;

That I have continuously occupied the said land since the..... day of..... and am now in actual possession of the same;

That the improvements on the said land are—

House worth\$.....
 Stable worth.....\$.....
 Fencing (number of feet).....
 Other improvements.....
 Horses.....
 Cattle.....
 Implements.....

That I am financially unable to purchase the necessary seed grain for the said land, and that if not assisted by the Government of the Province of Alberta my land will not be seeded;

That the number of acres I have ready for seeding is.....;

That the number of acres I intend to sow in wheat is.....;

That the number of acres I intend to sow in oats is.....;

That the number of acres I intend to sow in barley is.....;

That the total quantity of seed required is—

Bushels wheat.....
 Bushels oats.....
 Bushels barley.....

That I have had seed from the Government before to the amount of \$.....;

That I had..... acres under crop in 1920;

That the total receipts of my 1920 crop were \$.....;

That I lost my 1920 crop through.....;

That I can secure the grain I require locally—

Wheat from P.O.;
 Price per bushel \$;
 Oats from P.O.;
 Price per bushel \$;
 Barley from P.O.;
 Price per bushel \$;

That I will not use the said seed grain on any other than the said land without the consent of the Minister of Agriculture for the Province of Alberta.

And I make this solemn declaration, conscientiously believing the same to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

.....
 (Signature of Witness.) (Signature of Applicant.)
 Declared before me at }
 in the Province of }
 this day of 192..... }

The same having been read over and explained—

.....
A Commissioner for Oaths, Justice of the Peace, or Notary Public.

SCHEDULE B.

No.....
 SEED GRAIN AUTHORITY. 192....
 Authority is hereby given to (*Name in full*)
 to deliver to
 of
 Alberta, bushels of wheat at per
 bushel, bushels of oats at per
 bushel, bushels of barley at per
 bushel. Feed at the price of
 To the Bank of Canada, Edmonton, Alberta:
 Please pay to the order of
 the sum of Dollars.
 \$.....
Agent for Alberta Government.

SCHEDULE C.

PROMISSORY NOTE.

Due October 1st, 1921. No.....
 \$..... 1921.
 On the first day of October, 1921, I promise to pay to
 the order of the Bank of Canada

at (Bank).....(Place).....
the sum of..... Dollars,
with interest at.....per annum, both before and after
maturity until paid, for value received.

.....
(Witness.) (Name in Full.)
Countersigned.....

SCHEDULE D.

STATUTORY LIEN.

Application No.....
Lien No.....

I,.....of the.....
whose post office address is....., being the
person described in a statutory declaration made for the
purpose of obtaining advances herein, of date.....
do hereby acknowledge the receipt from the Minister of
Agriculture for the Province of Alberta (or.....
Bank) of advances to the value in all of.....
dollars.....being for seed delivered by him or his
agent to me as follows:

.....Bushels wheat.....at.....\$.....
.....Bushels oats.....at.....\$.....
.....Bushels.....at.....\$.....
.....Bushels.....at.....\$.....

And I do hereby agree to pay the said amount of.....
.....dollars.....to the said Provincial
Treasurer of the Province of Alberta, or his successor in
office, on or before the first day of October, 1921, with
interest thereon at the rate of.....per centum per
annum from the date of these presents, and that until
payment thereof is made the said amount shall be and remain
a lien and charge upon my land, being the.....quarter
of Section....., Township....., Range.....
west of the.....Meridian, in the said Province of
Alberta.

Signed at....., Alberta, this.....
day of....., A.D. 192.....

Witness.....
(Witness signs here.) (Applicant signs here.)

The same having been read over and explained.

AFFIDAVIT OF EXECUTION.

To Wit:

I (*Witness's name here*), above-named witness, of in the Province of Alberta, make oath and say:

- 1. That I was personally present and saw named in the within instrument, duly sign and execute the same for the purposes named therein;
- 2. That the same was so executed at....., Province of Alberta;
- 3. That I am the subscribing witness thereto;
- 4. And that I know the said party.

Sworn before me at in the Province of Alberta, this day of A.D. 192..... } (*Witness signs here.*)

.....
(*A Commissioner for taking Oaths, etc.*)

No. 75.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act respecting Advances for the
Purchase of Seed Grain and the
Securities for the 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