

# BILL

No. 19 of 1924.

An Act to amend The Municipal Hail Insurance Act.

(Assented to \_\_\_\_\_, 1924)

**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 Amendment Act, 1924.*"

**2.** *The Municipal Hail Insurance Act*, being chapter 174 of the Revised Statutes of Alberta, 1922, is amended by striking out the word "occupant" wherever it occurs therein.

**3.** Section 2 of the said Act is amended by striking out paragraph (d) thereof.

**4.** Section 4 of the said Act is hereby struck out, and the following substituted therefor:

"**4.** The Hail Insurance District shall consist of all the municipal districts now or hereafter lying south of township line No. 63."

**5.** Section 5 of the said Act is hereby repealed.

**6.** Section 6 of the said Act is hereby repealed.

**7.** Section 7 of the said Act is hereby struck out, and the following substituted therefor:

"**7.** At any meeting of the representatives properly convened they may, on a vote of at least two-thirds of those present at such meeting, petition for the disorganization of the Hail Insurance District, and the Minister shall have power to settle the assets and liabilities of the Board among the municipal districts as their interest may appear, and to wind up the affairs of the Board, and his decision shall be final in regard to all matters connected therewith."

**8.** Section 8 of the said Act is hereby repealed.

**9.** Section 9 of the said Act is amended as to subsection (2) thereof by adding the following proviso thereto:

"Provided, however, that where in the preceding year

there were not more than thirty-five applicants for insurance in a municipal district, no representative shall be appointed by the council of that district."

**10.** Section 11 of the said Act is amended—

- (a) as to subsection (1) thereof, by striking out the words "secretary of the board," and substituting therefor the words "manager of the board";
- (b) by striking out subsection (2) thereof, and substituting therefor the following:  
 "(2) At any meeting of representatives the presence of fifty per cent. of the representatives entitled to attend shall be necessary to constitute a quorum."

**11.** Section 12 of the said Act is amended by striking out the words "at the rate of eight dollars," and substituting therefor the words "at the rate of six dollars."

**12.** Section 16 of the said Act is amended as to subsection (1) thereof, by striking out the word "delegates" where it occurs therein, and substituting therefor the word "representatives."

**13.** Section 19 of the said Act is hereby struck out, and the following substituted therefor:

"**19.**—(1) The Board shall appoint a manager, who may also be secretary and who shall be responsible for the management of the business of the Board, and who shall engage, appoint and dismiss all employees except the treasurer and chief adjuster, and assign their respective duties.

"(2) The Board shall also appoint a treasurer or secretary-treasurer, as the case may be, and a chief adjuster, who shall be under the supervision and control of the manager."

**14.** Section 24 of the said Act is hereby struck out, and the following substituted therefor:

"**24.**—(1) Subject to the exception hereinafter contained no insurance shall be effected under the provisions of this Act upon land which has been subdivided in blocks and lots according to a plan registered in a land titles office, always excepting land so subdivided by the Canadian Pacific Railway Company for the purpose of obtaining a division thereof into parcels more convenient for carrying out agricultural or pastoral operations.

"(2) Every owner of patented land within the hail insurance district wishing insurance under the provisions of this Act shall make application in writing on the form prescribed to the secretary-treasurer of the municipal district in which the land described in the application is situated:

"Provided, however, that insurance may be granted on crops grown on Soldier Settlement Board lands, whether

patented or unpatented, if, and only if, the signature of the Soldier Settlement Board agreeing to the tax is affixed to the application.

“(3) Every application shall be sent forthwith by the secretary-treasurer of the municipal district to the Board.

“(4) The application shall show—

“(a) the name and address of the person making the same, which name must be the name appearing on the assessment roll as that of the owner of the land, the crop upon which it is desired to be insured;

“(b) a correct description of the land, the number of acres and kind of crop with regard to which the applicant desires to be insured;

“(c) the amount of the maximum indemnity to be payable per acre in respect of loss, namely, six dollars, eight dollars, or ten dollars per acre, as the case may be;

“(d) the name of the person to whom the indemnity is to be made payable in the event of a loss, and in the event of there being more than one such person, the share to be paid to each of them.

“(5) No insurance shall be granted in the case of an applicant who is in arrears for hail insurance taxes for any year other than the year next preceding the date of his application.

“(6) Any person may make application with regard to his insured crop which has not then been destroyed or damaged by hail, that the maximum indemnity named in his application be increased to eight or ten dollars per acre.

“(7) In no case shall the insurance, or additional insurance, as the case may be, be considered to be in force until such time as the application is received and accepted by the Board at its office in the City of Calgary.”

**15.** Section 25 of the said Act is hereby repealed.

**16.** Section 26 of the said Act is amended by striking out subsections (1), (2), (3), (4), (6), and (7) thereof.

**17.** Section 27 of the said Act is amended—

(a) as to subsection (1) thereof by striking out the same, and substituting therefor the following:

“**27.**—(1) Any person whose insured crop is damaged by hail between the date of the Board's acceptance of the application for insurance and the first day of October, shall within three days from the date on which such damage was sustained, give notice of the damage to the Hail Insurance Board at Calgary, by registered letter”;

(b) as to subsection (2) by striking out paragraphs (d), (e) and (f) thereof.

**18.** Section 29 of the said Act is hereby struck out, and the following substituted therefor:

**“29.—**(1) The maximum indemnity to be paid for total loss shall be six dollars, eight dollars, or ten dollars, as named in his original application or in his application for an increase, as the case may be.

**“(2)** No indemnity shall be paid in respect of any part of an insured crop—

**“(a)** which has not been damaged to the extent of at least five per cent of the value of such part; or

**“(b)** which has been so damaged by causes other than hail that in the opinion of the inspector the price likely to be obtained for the produce of such part would not exceed the actual cost of cutting, threshing and marketing the same;

**“(c)** where the damage by hail has taken place after the crop has been cut.

**“(3)** The indemnity herein provided for shall be exempt from garnishment, attachment and execution.”

**19.** Section 30 of the said Act is hereby repealed.

**20.** Section 31 of the said Act is hereby struck out, and the following substituted therefor:

**“31.** The Board shall, within thirty days of 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)** as a surtax in addition to the hail insurance tax an amount per acre of crop for which damage has been awarded varying with the amount of the maximum indemnity payable, and the percentage of loss as fixed by the Board, as is set out in schedule A to this Act; 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 hereinafter provided, and shall remit to such person or persons direct the balance, if any, remaining in its hands; and

**“(c)** 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, 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."

**21.** Section 34 of the said Act is amended—

- (a) by striking out the words "first day of October" where they occur therein, and substituting therefor the words "fifteenth day of October";
- (b) by striking out the words "and the total amount payable by such district" where they occur at the end of the section, and substituting therefor the words "and the total amount to be levied by such district."

**22.** Section 35 of the said Act is hereby struck out, and the following substituted therefor:

**"35.** Every municipal district forming part of the Hail Insurance District prior to the passing of the 1924 amendments, owing the Board, shall be liable to the Board for the amount owing 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."

**23.** Section 36 of the said Act is amended by adding as subsections (2) and (3) thereof the following:

"(2) It shall be the duty of the municipal council to pay to the Board the amounts so collected, together with any penalties on arrears.

"(3) The secretary-treasurer of every municipal district within the hail insurance district shall, within three days from the completion of the annual financial statement of his district, forward such statement to the manager."

**24.** Section 37 of the said Act is amended by striking out subsection (1) thereof, and substituting therefor the following:

**"37.—**(1) Where crops growing on leased land are insured and the lessee has an interest in the insurance, the owner shall have a first charge upon all the insured crops as security for the payment of the tax or so much thereof as is not payable with respect to crop payable to the lessor."

25. Schedule A is added to the said Act as follows:

SCHEDULE A.  
(Section 31).

Amounts per acre to be deducted from indemnity.			
Percentage of loss as fixed by Board.	Maximum Indemnity \$6.	Maximum Indemnity \$8.	Maximum Indemnity \$10.
5% to 25%	6c per ac. damaged	8c per ac. damaged	10c per ac. damaged
26% to 50%	12c " " "	16c " " "	20c " " "
51% to 75%	18c " " "	24c " " "	30c " " "
76% to 100%	24c " " "	32c " " "	40c " " "

26. This Act, as amended, shall be reprinted in the Statutes of Alberta, 1924.

27. This Act shall come into force on the first day of April, 1924.

No. 19.

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FOURTH SESSION  
FIFTH LEGISLATURE  
14 GEORGE V  
1924

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**BILL**

An Act to amend The Municipal Hail  
Insurance Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. GREENFIELD.

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER  
A.D. 1924