

Bill No. 10 of 1932.

AN ACT TO AMEND AND CONSOLIDATE THE  
NOXIOUS WEEDS ACT, 1929.

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NOTE.

This Bill is a revision and consolidation of *The Noxious Weeds Act, 1929*.

The Bill does not contain any substantial departure in principle from the existing Act.

The Bill sets out with more precision and detail the liabilities of both public authorities and individuals for the destruction of weeds and weed seeds and the powers of Inspectors in carrying out the duty of enforcement.

Both Class A and Class B noxious weeds are defined, and the Lieutenant Governor in Council is given the power to declare weeds not mentioned in the definitions to be Class A noxious weeds or Class B noxious weeds, as the case may be, either anywhere in the Province or in any specified part or parts of the Province.

R. ANDREW SMITH,  
*Legislative Counsel.*

*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

# BILL

No. 10 of 1932.

An Act to amend and consolidate The Noxious Weeds Act, 1929.

(Assented to \_\_\_\_\_, 1932.)

**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 Noxious Weeds Act, 1932.*"

**2.** In this Act, unless the context requires a contrary meaning—

- (a) "Class A noxious weeds" means perennial sow thistle (*Sonchus arvensis*, L.); and any other weed declared to be a Class A noxious weed by the Lieutenant Governor in Council;
- (b) "Class B noxious weeds" means and includes Canada Thistle (*Cirsium arvense* L.), blue lettuce (*Lactuca pulchella* (Pursh.) D.C.), all members of the mustard family, false flax (*Camelina sativa* (L.) Crantz), shepherd's purse (*Capsella Bursa-pastoris* L.), red root (*Amaranthus retroflexus* L.), stink weed (*Thlaspi arvense* L.), Russian thistle (*Salsola Kali* L., var. *tenuifolia* G.F.W. May.), ragweed (*Ambrosia trifida* L.), wild oats (*Avena fatua* L.), Russian pigweed (*Axyris amaranthoides* L.), blue bur (*Lappula echinata* Gilibert), tumble weed (*Amaranthus graecizans* L.), purple cockle, cockle bur (*Agrostemma Githago* L., and *Xanthium species*), common barberry (*Berberis vulgaris*), toad flax (*Linaria vulgaris*, Hill), black-headed sunflower (*Helianthus scaberrimus* Ell.), corn spurrey (*Spergula arvensis* L.), and couch grass (*Agropyron repens* L.), and any other weed declared to be a Class B noxious weed by the Lieutenant Governor in Council.
- (c) "Department" means the Department of Agriculture;
- (d) "Destroy" means to do whatever is necessary to prevent germination or to cause growth to cease;

- (e) "Earthwork" means any dump or any bank or mound or heap of earth or place from which earth has been removed;
- (f) "Improvement district" means any district within the meaning of *The Improvement District Act, 1927*;
- (g) "Inspector" means any inspector appointed pursuant to this Act acting within the district or the corporate bounds of the municipality, as the case may be, for which he has been appointed;
- (h) "Land" means and includes not only all lands owned or occupied or controlled by any person, but for the purpose of this Act, also means and includes the land up to the centre line of all contiguous roads or road allowances, highways, streets, or lanes, or streams, or the low water mark of any lakes or bodies of water included within said lands;
- (i) "Minister" means the Minister of Agriculture;
- (j) "Municipal district" means any district operating within the meaning of *The Municipal District Act*;
- (k) "Municipal inspector" means any inspector appointed pursuant to this Act by any municipality acting within the corporate bounds of such municipality;
- (l) "Municipality" means any municipal district, city, town or village;
- (m) "Occupant" means a person occupying or having the right to occupy or to control any lands;
- (n) "Owner" means not only the registered owner under *The Land Titles Act*, but extends to and includes every person who has any estate or interest in land or who has any right to be vested with such estate or interest;
- (o) "Person" means and includes a corporation, joint stock company and partnership;
- (p) "Provincial inspector" means any inspector appointed by the Lieutenant Governor in Council pursuant to this Act acting within the district for which he has been so appointed;
- (q) "Screenings" means material removed from grain through cleaning, to bring it up to the standards defined for grades under *The Canada Grain Act*;
- (r) "Secretary" means, in the case of cities, the city clerk, and in the case of towns, villages and municipal districts, the secretary-treasurer thereof;
- (s) "Thresher" means any person in possession or charge of a threshing machine or combine harvester;
- (t) "Weed seeds" means seeds produced from any of the weeds defined as Class A or Class B weeds.

**3.** The Lieutenant Governor in Council may from time to time appoint an Advisory Board consisting of such persons as may be deemed proper, and it shall be the duty of the Advisory Board so appointed to confer with and advise the Minister on any matter or thing relating to the administration of this Act and the problem of weed eradication as and when required by the Minister so to do, and the remuneration of such Board shall be such as may be provided by the Lieutenant Governor in Council.

**4.—(1)** The Lieutenant Governor in Council may from time to time—

- (a) appoint a Field Crops Commissioner who, subject to the direction of the Minister, shall be responsible for the administration of this Act and who shall discharge such other duties as the Minister may from time to time prescribe;
- (b) define any area or areas in the Province as weed inspection districts;
- (c) appoint inspectors for any weed inspection district or districts, or for the Province at large who shall have the powers and duties conferred upon an inspector by this Act within the district or districts for which they are appointed, or throughout the Province, as the case may be;
- (d) prescribe their duties and fix their remuneration;
- (e) make regulations not inconsistent with this Act for the carrying out of any act or thing required to be done by any of the provisions of this Act and prescribe the forms to be used in connection therewith;
- (f) declare any weed not specifically declared by this Act to be a Class A noxious weed or a Class B noxious weed to be a Class A noxious weed or a Class B noxious weed either anywhere in the Province or in any part or parts of the Province specified by the Lieutenant Governor in Council; and
- (g) declare any weed specifically declared by this Act to be a Class B noxious weed to be a Class A noxious weed either anywhere in the Province or in any part or parts of the Province specified by the Lieutenant Governor in Council.

(2) Every regulation made pursuant to this Act shall be effective upon publication in *The Alberta Gazette*, and every order declaring a weed to be a noxious weed shall contain a full verbal description of such weed, with an illustration thereof.

**5.** The salary and expenses of any inspector appointed by the Lieutenant Governor in Council as the inspector of a

weed inspection district which comprises one or more improvement districts or any part or parts thereof shall be payable out of the funds of the improvement districts so included in the weed inspection district.

**6.—(1)** The council of every municipality shall from time to time appoint such inspectors as may be required for the purpose of the proper administration of this Act within the corporate limits of the municipality and every inspector so appointed shall have within the corporate limits of the municipality all the powers and duties conferred or imposed upon an inspector by this Act.

(2) If in the opinion of the Minister any inspector appointed pursuant to this section is incompetent or remiss in the discharge of his duties, the Minister may cancel the appointment of such inspector by sending a notice in writing in that behalf to the council of the municipality.

(3) If default is made by the council of any municipality in appointing sufficient inspectors for the proper administration of this Act within the corporate limits of the municipality to the satisfaction of the Minister, the Minister may appoint such inspectors as he may consider necessary and prescribe their duties and fix their remuneration, and the salary and expenses of any inspector so appointed shall be paid by the municipality to the Minister on demand, and shall be a debt recoverable by the Minister by suit in any court of competent jurisdiction as if the same were a debt due to the Crown.

(4) Every inspector appointed by a municipality under the provisions of this Act, before entering upon his duties as an inspector, shall make and subscribe before a Justice of the Peace or before the Mayor or Reeve of the municipality, as the case may be, a declaration in the following form or to the like effect:

“I, A.B., having been appointed as an inspector under *The Noxious Weeds Act, 1932*, for (*here insert name of municipality*), do hereby solemnly promise and declare that so long as my said appointment continues I will truly, faithfully, impartially and to the best of my knowledge and ability perform the duties imposed upon an inspector by the said Act, and that I have not received and will not receive any payment or reward or any promise of payment or reward for the exercise of any partiality or malversation or other undue execution of my said office.”

(5) The Justice of the Peace, Mayor or Reeve, as the case may be, before whom the last mentioned declaration is subscribed, shall place thereon his certificate that the same was subscribed in his presence by the person purporting to make

the same and shall within eight days thereafter deliver the same to the secretary or secretary-treasurer of the municipality, as the case may be.

(6) No person shall be appointed or shall act as an inspector under the provisions of this Act within the corporate limits of a municipality who is a member of the council of that municipality.

**7.** An inspector may at any time between sunrise and sunset enter upon any land which is within a district for which he is appointed and enter any buildings other than a dwelling house situate thereon for the purpose of inspecting the same and any vehicles, farm machinery and other equipment thereon or therein in order to search for noxious weeds or weed seeds.

**8.** An inspector shall upon finding any Class A noxious weeds or weed seeds upon any occupied land or in or upon any building, vehicle, farm machinery or other equipment thereon or therein give notice in writing to any person who is under the duty imposed by this Act to prevent the growth of such weeds and weed seeds and to destroy the same, in such manner as is required by this Act, directing the destruction of such weeds or weed seeds on or before a day to be named in such notice, and immediately after such last mentioned date, if such weeds or weed seeds have not been destroyed the inspector shall proceed either in person or by some other person authorized by him to destroy such weeds or weed seeds, and for that purpose may adopt such means as he may deem advisable.

**9.** An inspector, upon finding any Class A noxious weeds or weed seeds upon any land which is unoccupied or in or upon any building other than a dwelling house or any vehicles, farm machinery or other equipment thereon or therein, in case it is not practicable to serve a notice pursuant to the last preceding section within twenty-four hours thereafter, may, in his absolute discretion, proceed either in person or by some other person authorized by him to destroy such weeds or weed seeds in any manner which may be deemed advisable, and immediately thereupon shall, as soon as conveniently may be, send by registered mail in a prepaid cover addressed to the last known postal address of the owner of such land, notice of the destruction of such weeds and weed seeds.

**10.** Any inspector, upon finding Class B noxious weeds or weed seeds in any grain or hay crops, may give notice in writing to any person who is under the duty imposed by this

Act to prevent the growth of such weeds and weed seeds and to destroy the same in such manner as is required by this Act—

- (a) requiring such person to pull up by hand any or all such weeds and to destroy the same in such manner as the inspector may direct or to cut and burn or plow under any crop or any part of any crops in which such weeds are growing before a date to be stated in such notice; or
- (b) requiring such person to burn any straw or screenings or both after threshing any crop containing any weed seeds; or
- (c) prohibiting the removal of any forage crop containing any such noxious weeds or weed seeds and requiring the same to be used as fodder in such manner and at such places as the inspector may designate; and
- (d) prohibiting the threshing of any feed or other crop if it contains such noxious weeds or weed seeds which in the opinion of the inspector might result in the spreading of such noxious weeds.

**11.** An inspector upon finding Class B noxious weeds or weed seeds on occupied land shall give notice in writing to any person who is under the duty imposed by this Act to prevent the growth of such weeds and weed seeds and to destroy the same in such manner as is required by this Act directing the destruction of such weeds or weed seeds on or before a date to be mentioned in such notice.

**12.** An inspector upon finding Class B noxious weeds or weed seeds on unoccupied land shall give notice in writing to any person who is under the duty imposed by this Act to prevent the growth of such weeds and weed seeds and to destroy the same in such manner as is required by this Act requiring the destruction of such weeds or weed seeds on or before a date to be mentioned in such notice.

**13.** If default has been made in complying with any notice requiring the destruction of Class B noxious weeds or weed seeds given pursuant to the last two preceding sections, upon the date mentioned in such notice, or if in the case of unoccupied land it is not practicable to serve such notice upon the owner thereof, the inspector may either in person or by any other person authorized by him enter upon the land and destroy such weeds or weed seeds as well as any crop containing any such weeds or weed seeds in such manner as the inspector may see fit.

**14.** An inspector may at any time between sunrise and sunset enter upon any land and any building other than a dwelling house thereon and inspect the same or any vehicle, farm machinery or other equipment thereon or therein for the purpose of inspecting any grain found thereon, and if the same is found to contain seeds of noxious weeds, shall give notice in writing to any person who is under the duty imposed by this Act to prevent the growth of such weeds and weed seeds and to destroy the same, in the manner required by this Act, prohibiting the use of any such grain as seed or the removal thereof from the premises upon which they are found until the same has been cleaned in the manner and according to the standard specified in such notice.

**15.** The powers conferred upon an inspector by this Act to direct the destruction of any grain or forage crop, whether growing or cut, or to destroy any such crop, shall not be exercised without the consent in writing of the Field Crops Commissioner, first had and obtained.

**16.** An inspector upon finding noxious weeds or weed seeds in or upon any earthwork, ditch or land used for a right of way constructed by or under the control of any irrigation district, drainage district or irrigation company shall give notice in writing in the manner prescribed by this Act to the manager, superintendent or ditch-rider in the case of an irrigation company, and the secretary-treasurer in the case of an irrigation district or a drainage district, directing the irrigation district, drainage district or the irrigation company, as the case may be, to destroy all such weeds or weed seeds before a date to be stated in such notice.

**17.** It shall be the duty of every person who is the owner of any parcel of land and of every person who has any beneficial interest in any parcel of land and of every lessee, tenant or occupant of any parcel of land to prevent any noxious weeds from growing upon such parcel of land, and to comply with all the provisions of this Act for the destruction thereof.

**18.** It shall be the duty of every irrigation district, drainage district and irrigation company to prevent any noxious weeds from growing upon any earthworks, ditches and land occupied by such districts or company as a right of way and to comply with the provisions of this Act for their destruction.

**19.** It shall be the duty of every person who is the owner of any parcel of land upon which is situate any earthwork, ditch or land used for a right of way constructed or used in



connection with the operations of any irrigation district, drainage district or irrigation company to prevent any noxious weeds from growing upon any such earthwork, ditch or right of way as aforesaid:

Provided that such person is under a contractual obligation to undertake the duties imposed upon such irrigation district, drainage district or irrigation company by this Act.

**20.** It shall be the duty of every manager, superintendent or ditch-rider of every irrigation district, drainage district or irrigation company to whom any notice has been given by an inspector pursuant to this Act requiring the destruction of noxious weeds or weed seeds upon any earthwork, ditch or right of way of such irrigation district, drainage district or irrigation company to comply with such requirements forthwith.

**21.** It shall be the duty of every railway company to prevent any noxious weeds from growing upon any land owned or occupied by it for the purposes in connection with its railway undertaking and to comply with the provisions of this Act for their destruction.

**22.** It shall be the duty of every station agent and section foreman or other official employed by any railway company to comply forthwith with the requirements of any notice given to him by any inspector pursuant to this Act requiring the destruction of noxious weeds or weed seeds on any land of the railway company by which he is employed other than the land of the company used for right-of-way purposes and which are in the vicinity of the station at which such station agent is engaged or the section of railway for which such section foreman is appointed.

**23.—(1)** Any municipal district may by by-law undertake as and from the passing of such by-law the duty created by this Act to prevent any noxious weeds from growing upon any or all roads, road allowances, highways, streets, lanes, or to the low water mark of any streams, lakes or bodies of water within such district, and to comply with all the provisions of this Act for their destruction and to provide that the cost incurred by so doing shall be paid out of the general revenue of the municipal district.

(2) A by-law passed pursuant to the provisions of this section shall not be repealed until after the expiration of the year in which such by-law was passed.

(3) A copy of every by-law passed pursuant to this section and of any repealing by-law shall be transmitted to the Minister within ten days of the date of the passing thereof.

(4) Upon the passing of any such by-law and so long as the same remains unrepealed, the duty by this Act imposed upon persons other than the municipal district to prevent weeds from growing upon any road allowance, road, street, or lane within the municipal district and to comply with the provisions of this Act for their destruction shall be discharged by the municipal district, and such persons shall be relieved from the said duty.

**24.**—(1) It shall be the duty of every city, town and village in respect of all land within the corporate limits thereof to prevent any noxious weeds from growing upon any such land and to comply with the provisions of this Act for their destruction.

(2) Any provincial inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any city, town or village shall forthwith deliver or send by registered mail to the mayor or secretary of such city, town or village a notice requiring the destruction of such noxious weeds or weed seeds or both before a date to be stated in such notice.

(3) In case default is made by any city, town or village in complying with the requirements of a notice given pursuant to this section, any provincial inspector or any person or persons authorized by him may with such teams, machinery and equipment as may be deemed necessary enter upon any or all of the lands upon which or upon any part of which any noxious weeds or weed seeds are found and proceed to destroy such noxious weeds and weed seeds in such manner as the provincial inspector may deem proper.

(4) All expenditures incurred by any provincial inspector in the destruction of noxious weeds or weed seeds or either of them pursuant to the provisions of this section shall be payable on demand by the city, town or village in respect of which the same were incurred and may be recovered by suit brought in any court of competent civil jurisdiction by the Minister in the name of His Majesty as a debt due to the Crown; and in any such suit a certificate under the hand of the Minister as to the amount of such expenditures shall be accepted as conclusive evidence of the amount of the indebtedness of the city, town or village, as the case may be, in respect of such expenditures.

(5) Nothing in this section shall have the effect of relieving any person other than a city, town or village from any duty by this Act imposed upon any such person in respect of any land situate within the corporate boundaries of any city, town or village.

**25.—(1)** For the purposes of this section, the expression “Grade A screenings” means any grain screenings which contain less than three per centum by weight of noxious weed seeds capable of passing through a one-fourteenth inch perforated zinc screen or more than one per centum by weight of mustard seed, and the expression “Grade B screenings” means all other grain screenings, and the expression “noxious weeds” shall include *Chenopodium album*, commonly called “lamb’s quarters.”

(2) No Grade A screenings or Grade B screenings may be bought, sold, kept for sale, offered for sale or removed from any grain elevator, mill, warehouse or farm except only in compliance with the provisions of this section.

(3) A farmer may remove from a grain elevator, mill or warehouse to his farm the screenings from the grain produced by such farmer upon his farm.

(4) Grade A screenings may be bought or sold and removed from any grain elevator, mill, warehouse or farm for the purpose of being used as feed for live stock and any screenings so bought or sold and removed shall be contained in closely woven sacks which shall conform as to material and manner of construction to the specifications from time to time prescribed by the Field Crops Commissioner, and such screenings shall be used only within feed yards which have been first approved by an inspector as suitable for the purpose.

(5) Grade B screenings shall not be bought, sold or dealt in and shall not be removed from any grain elevator, mill, warehouse or farm by any person unless and until a permit for that purpose has been first obtained from the Minister and every such sale and removal shall be subject to compliance with such conditions as the Minister may from time to time prescribe either generally or in any particular case.

(6) Every permit for the sale and removal of Grade B screenings shall be in duplicate and upon the removal of any such screenings from any grain elevator, mill, farm, warehouse or other place the permit and duplicate shall be delivered to the person having the management or control thereof and such last mentioned person shall retain the permits and shall within thirty days transmit the duplicate to the Minister.

(7) The person having the control or management of any grain elevator, mill, warehouse or farm in which any Grade B screenings are kept shall keep the same in buildings, bins or other containers constructed in such a manner that the screenings are securely confined therein.

(8) The person having the management or control of every grain elevator, mill or warehouse shall make a return to the Minister not later than the tenth day of each month setting out the names and addresses of all persons to whom screenings have been sold, together with the amount and description of the screenings so sold during the preceding month.

(9) Every person who has in his possession or under his control any Grade B screenings which are not kept in buildings, bins or other containers constructed in such a manner that the screenings are securely confined therein shall destroy the same by burning in such a manner as to prevent the same being scattered by the wind, live stock or any other agency.

**26.** It shall be the duty of every person who is the operator or has the control or management of any threshing machine before moving such machine from any farm upon which he has been doing any threshing to any other farm to clean such threshing machine both inside and out and all wagons and racks used in connection with such threshing, and remove therefrom all noxious weed seeds and to destroy such seeds.

**27.** Every person who operates or has the management or control of any combine harvester shall prevent any noxious weed seeds collected by such harvester from escaping therefrom and shall from time to time remove such seeds from the harvester and shall destroy the same.

**28.** It shall be the duty of every person who operates any threshing machine or combine harvester to clean all grain threshed by him in such a way that upon the completion of the threshing the grain so threshed shall contain not more than one hundred seeds of noxious weeds other than wild oats to every one thousand grains so threshed.

**29.** It shall be the duty of the owner of every crop which has been threshed, and of every person having the control, management, or disposition thereof, forthwith after threshing to take delivery from the thresherman of all screenings containing seeds of noxious weeds, and either to destroy the same or to place the same in a building, bin or other container constructed in such a manner that the screenings are securely confined therein, and in the latter case, if such screenings are moved from one part of the farm upon which the same were threshed to any other part of the same farm, they shall be removed only in wheat-tight or flax-tight wagon boxes or in closely woven sacks which shall conform as to material and manner of construction to the

specifications from time to time prescribed by the Field Crops Commissioner and not otherwise, and in the event of such screenings being removed from the farm upon which the same were threshed to any other place, the same shall be removed in closely woven sacks of the kind last mentioned.

**30.** It shall be the duty of every person who owns or operates or has the management or control of any threshing machine or combine harvester to display at all times in a prominent place upon his machine or harvester a copy of this and the last four preceding sections, which notice shall be printed and issued by the Department gratis upon application therefor.

**31.** No person whatsoever who uses or operates any vehicle or any machine of any description in, on or adjacent to any road, road allowance, railway, highway, street or lane shall use or operate the same in such a manner that any seeds of noxious weeds whether mixed with other things or not, shall come upon any such road, road allowance, railway, highway, street or lane.

**32.** No person shall deposit or permit to be deposited any weeds or weed seeds on any roads, road allowances, highways, streets or lanes, or in any streams or lakes or bodies of water.

**33.** It shall be the duty of every person operating or having the control or management of any machinery or vehicle to remove therefrom any noxious weed seeds therein or thereon before such vehicle or machinery is brought upon any public highway, street or lane.

**34.** It shall be the duty of every person who moves or causes to be moved or is in charge of the removal of any settlers' effects from any one point in the Province to any other point in the Province to remove from such effects all noxious weed seeds therein or thereon, and before such removal to forward to the Minister a statutory declaration to the effect that the requirements of this section have been complied with.

**35.** No person within the Province shall take delivery of any hay or green sheaves brought from any point without the Province unless such person has the consent in writing of the Field Crops Commissioner for that purpose.

**36.** In case any notice has been given by an inspector pursuant to this Act in respect of any parcel of land requiring the destruction of any noxious weeds or weed seeds thereon—

- (a) no person shall thereafter cause, suffer or permit such land to be seeded with grain unless and until an inspector or the Field Crops Commissioner has by writing consented thereto; and no such land shall, without the consent in writing of an inspector or the Field Crops Commissioner, be sold or leased unless the purchaser or tenant thereof expressly agrees that he will comply with the requirements of such notice;
- (b) any sale or demise of land in contravention of this section shall as against the vendor or lessor be utterly null and void and the vendor or lessor, as the case may be, shall be liable, in addition to all other penalties under this Act, to any damages sustained by the purchaser or lessee, as the case may be, by reason of such sale or demise;
- (c) no disposition of such land either by sale, demise or otherwise shall relieve any person from any duty by this Act imposed upon him to prevent the growth of noxious weeds and weed seeds thereon and to comply with the provisions of this Act for their destruction.

**37.** Every person who is interested as owner or mortgagee in any crop or in any land affected by any order made in pursuance of this Act by any inspector and who deems himself aggrieved by such order may appeal therefrom to the persons within the time and in the manner provided by this Act and the decision made upon such appeal shall be binding and conclusive upon the parties thereto and there shall be no appeal therefrom.

**38.** No order made by any inspector in pursuance of this Act in respect of which no appeal has been taken under this Act and, if such an appeal has been taken, no order made thereon shall be questioned in any court or by the judge of any court by way of *certiorari* or *mandamus* or otherwise.

**39.** In the case of an order made by an inspector as to crop or land in a municipal district, the appeal shall lie to such members of the council, being not less than two in number, as shall be from time to time appointed by resolution of the council for that purpose, and in default of any such appointment, to the council.

**40.** In the case of an order made by an inspector as to crop or land in an improvement district, the appeal shall lie to the Field Crops Commissioner.

**41.** In the case of an order made by an inspector as to crop or land in any city, town or village, the appeal shall lie to such members of the council of the city, town or vil-

lage, as the case may be, being not less than two in number, as may from time to time be appointed by a resolution of the council for that purpose, and in default of any such appointment, to the council.

**42.**—(1) Any person who has appealed to the council of a municipal district or to the members thereof appointed for the purpose, as well as the inspector against whose order the appeal has been taken, may if dissatisfied with the order made upon such appeal, appeal to the Field Crops Commissioner.

(2) The Field Crops Commissioner may in respect of any appeal appoint by writing under his hand a substitute who shall have all the powers of hearing and determining such appeal and making orders thereon as are by this Act conferred upon the Field Crops Commissioner.

**43.** Notice of every appeal shall be in writing and shall set out the name and address of the appellant, a description of the order appealed from, the location of the crop or land in respect of which the order was made, and the grounds of the appeal.

**44.**—(1) Except where the appeal is from the decision of the council of a municipal district or the appointed members thereof, every notice of appeal shall be given by serving the same upon the persons and in the manner provided by this Act before the date set out in the order appealed from, as the date before which the things therein required to be done are to be performed; and in the case of appeals from the order of the council of the municipal district or the appointed members thereof, the notice shall be given within four days of the making of such order.

(2) In the case of any appeal to the council or to the members of the council of any municipality, the appellant shall, before the hearing of the appeal, deposit with the secretary or secretary-treasurer of the municipality the sum of three dollars which shall be returned to him in the event of the appeal being allowed, but in any other event the same shall be forfeited to and become the property of the municipality.

**45.** In the case of appeals in cities, towns, villages and municipal districts, the notice of appeal shall be served by delivering the same at the office of the secretary or secretary-treasurer to any adult person for the time being in charge thereof.

**46.** In the case of appeals in improvement districts, the notice of appeal shall be served by delivering the same at the office of the Field Crops Commissioner to any adult person employed in such office.

**47.** As soon as conveniently may be after the delivery of any notice of appeal, the council or members of the council or Field Crops Commissioner, as the case may be, to whom the appeal lies, shall fix a place which may be the land affected by the order, and a time for the hearing of the appeal, and shall cause notice thereof to be sent to the appellant and shall at the time and place so fixed, proceed to hear and determine the appeal and may either set aside the order of the inspector, or vary the same or extend the time within which any thing required to be done by the order is to be performed or make any order which an inspector is authorized by this Act to make in substitution for the order appealed from.

**48.** All expenditures incurred in consequence of any order made by an inspector pursuant to this Act in the destruction of noxious weeds and weed seeds or incidentally thereto shall be a debt payable on demand by all or any of the persons to whom such order was given and may be recovered either by distress upon the goods and chattels of the person or persons liable therefor or by suit in any court of competent jurisdiction brought by the Minister of Municipal Affairs in the name of His Majesty if such expenditure was incurred in respect of any crop or land in an improvement district, and by the city, town, village or municipal district, as the case may be, if such expenditure was incurred in respect of any land situated within the corporate boundaries thereof.

**49.** In case any sum so due and payable for expenditures as aforesaid or any part thereof remains unpaid at the fifteenth day of December next after the making of such expenditures, the amount of the unpaid expenditures made in respect of any parcel of land shall be added to and form part of the ordinary improvement district taxes levied against such parcel if located in an improvement district, and in all other cases shall be added to and form part of the ordinary taxes levied by the city, town, village or municipal district within which such parcel is situate:

Provided, however, that no sum in excess of one hundred and sixty dollars shall be charged, under the provisions of this section, in any one year, against any quarter section of land for the destruction of Class B noxious weeds or weed seeds in any municipal or improvement district.

**50.** Immediately after the fifteenth day of December in each year, the Department shall prepare a statement relating to each parcel of land in respect of which any expenditures have been made by the Department for the twelve months ending on the preceding thirtieth day of November, together with particulars of such expenditures, and shall transmit to the secretary of the municipality in which any such parcel of land is situate the statement relating to that parcel of land.



**51.** Every inspector who neglects to perform any duty imposed upon him by this Act shall in respect of each such neglect be guilty of an offence and liable on summary conviction therefor to a penalty of not more than twenty-five dollars and costs, or in default of payment, to imprisonment for a period of not more than thirty days.

**52.** Every person who obstructs, interferes with or impedes any inspector whilst such inspector is engaged in the execution of any duty or power imposed or conferred upon him by this Act, shall be guilty of an offence and liable upon summary conviction therefor to a penalty of not less than fifteen dollars and not more than one hundred dollars together with costs, or in default of payment to imprisonment for a period of not more than sixty days.

**53.** Every person who makes default in complying with any of the lawful requirements set out in any notice given by an inspector pursuant to this Act shall be guilty of an offence and liable on summary conviction to a penalty of not less than five dollars and not more than fifty dollars together with costs, or in default of payment to a period of imprisonment of not more than thirty days.

**54.** Every person who owns, operates or has the management or control of any threshing machine or combine who makes default in complying with any of the provisions of sections 26 to 32 inclusive shall be guilty of an offence and liable upon summary conviction to a penalty of not less than twenty-five dollars and not more than one hundred dollars together with costs, and in default of payment to imprisonment for a period of not more than sixty days.

**55.** Every person who contravenes any provision of this Act for the contravention of which no penalty has been specifically provided shall be liable on summary conviction to a penalty of not less than five dollars and not more than fifty dollars together with costs, and in default of payment to imprisonment for a period of not more than thirty days.

**56.** In the case of any penalty imposed upon any municipality for any offence against any of the provisions of this Act, the Minister may, in addition to all other remedies which there may be for the recovery thereof, recover the same by suit brought by him in the name of His Majesty in any court of competent civil jurisdiction as and for a debt due to the Crown.

**57.** All fines and penalties imposed for any offence against any of the provisions of this Act shall belong in the case of prosecutions instituted by the inspector of a municipality to the municipality by which such inspector is employed, and in all other cases to His Majesty in the right of the Province.

**58.** Every notice given by any inspector pursuant to any of the provisions of this Act shall be in writing in triplicate and one of such triplicate notices shall be served upon the person to whom it is addressed, and in the case of a notice being given by a municipal inspector, the second triplicate notice shall be delivered to the secretary or secretary-treasurer of the municipality by which such inspector is employed, and in the case of a provincial inspector, such triplicate notice shall be transmitted to the Department, and the third triplicate notice shall be retained by the inspector.

**59.** Any notice given by an inspector pursuant to any of the provisions of this Act shall be deemed to have been duly given and served upon the person to whom the same is addressed—

- (a) upon such notice being personally delivered to the person to whom it is addressed; or
- (b) by leaving the same with any person apparently over the age of sixteen years at the place of abode of the person to whom such notice is addressed; or
- (c) by sending the same by registered mail in a prepaid cover addressed to the last known postal address of the person to whom the notice is addressed; or
- (d) in case the inspector has reason to believe that the person to whom any notice is addressed is evading service thereof or that for any reason it is improbable that such notice will be received by the person to whom it is addressed within three days of the date of the notice, if the same is delivered in any of the ways herein before mentioned, by posting such notice in a conspicuous place on the land referred to in the notice or upon any buildings or erections thereon.

**60.** *The Noxious Weeds Act*, being chapter 4 of the Statutes of Alberta, 1929, is hereby repealed.

SECOND SESSION  
SEVENTH LEGISLATURE  
22 GEORGE V  
1932

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**B I L L**

An Act to amend and consolidate The  
Noxious Weeds Act, 1929.

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Received and read the

First time.....

Second time .. .. .

Third time.....

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HON. MR. HOADLEY.

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1932