

Bill No. 31 of 1934

A BILL TO PROVIDE FOR TEMPORARY SEED GRAIN  
ADVANCES TO FARMERS

---

NOTE.

This Bill makes provision for advances of seed grain to farmers in necessitous circumstances.

Advances are made through the municipal district or improvement district in which the farmer resides, and are not to exceed the amounts mentioned in section 8.

No seed grain advances are to be made after the fifteenth day of May, 1934.

The repayment of the advance is secured by a charge upon the crops of the recipient for the years 1934 and 1935 which has an absolute priority over all charges thereon except mortgages for necessities under section 32 of The Bills of Sale Act; it is further secured by a first charge upon the recipient's lands.

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. 31 of 1934.

An Act to provide for Temporary Seed Grain Advances  
to Farmers.

(Assented to 1934.)

**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 Temporary Seed Grain  
Advances Act, 1934.*"

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

- (a) "Minister" means the Minister of Municipal  
Affairs;
- (b) "Municipality" means a municipal district or an  
improvement district;
- (c) "Seed grain" means any seeds of wheat, oats, rye,  
barley, flax and forage crops which are of a quality,  
when cleaned or otherwise processed, which will be  
in the opinion of the Field Crops Commissioner  
equivalent to seed grade as established by *The Seeds  
Act*, being chapter 185 of the Revised Statutes of  
Canada, 1927;

**3.** The Lieutenant Governor in Council may authorize the  
Provincial Treasurer to lend to any municipality out of the  
General Revenue Fund, without any further or other appro-  
priation than that made by this Act, such sums as may be  
required to supply seed grain to farmers in the municipality  
who are unable by reason of crop failure or other adverse  
conditions to procure seed grain for the spring of 1934 out  
of their own resources.

**4.** A municipality may borrow from the Provincial  
Treasurer such sums as it may from time to time require  
for the purpose of supplying seed grain to farmers of the  
class described in section 3 of this Act, during the year  
1934, such sums to be repayable to the Provincial Treasurer  
at such time or times and at such rate of interest as shall,  
subject to the other provisions of this Act, be agreed upon  
between it and the Provincial Treasurer.

**5.** The council of a municipal district may from time to  
time, with the approval of the Minister, by by-law, which

shall be in Form A in the schedule to this Act, authorize the borrowing of any money required for the price of any seed grain, furnished pursuant to this Act, pending the receipt of any loan under this Act from the Provincial Treasurer, and may authorize the hypothecation to any bank of any money to be so received by way of security, and such loans shall be repayable not later than the first day of January, 1935.

**6.** In respect of improvement districts, the Minister shall have the same powers of borrowing from the Provincial Treasurer and from any other person, as are conferred upon the council of a municipal district, and may exercise those powers in any manner he may think fit.

**7.** All moneys borrowed pursuant to this Act by any municipality shall be kept as a separate fund distinct from any other funds of the municipality and a full, separate and distinct account shall be kept of all such moneys.

**8.** Any money borrowed by a municipality under any of the provisions of this Act shall be expended in the purchase and distribution of seed grain to be supplied to farmers of the class mentioned in section 3 hereof for seeding the lands of such farmers and for no other purpose whatsoever, and such expenditure shall be made only subject to the following provisions:

- (a) No seed grain shall be so purchased or distributed after the fifteenth day of May, 1934.
- (b) The amount of seed grain so purchased and distributed shall not, in the case of any applicant, exceed in value the following amounts:
 

For one quarter-section of land.....	\$ 60.00
For one half-section of land.....	100.00
For three quarter-sections of land.....	125.00
For one section of land or over.....	150.00
- (c) Under no circumstances shall any advance be made in money either in lieu of or in addition to any seed grain.
- (d) All advances of seed grain shall be made by the municipality, or by an agent or agents of the municipality duly appointed for that purpose by resolution of the council in the case of a municipal district and by the Minister in the case of an improvement district.
- (e) The municipality shall charge the recipient of all seed grain advanced pursuant to this Act such an amount as it shall deem reasonably sufficient to cover the cost of the grain and the expense entailed by the purchase and distribution thereof, and no more.
- (f) Upon the making of every advance of seed grain, the municipality shall take from the recipient thereof his note or notes for the price thereof and such

notes shall bear interest at the same rate payable by the municipality upon the sums borrowed by it under this Act and shall be payable on demand at the office of the secretary-treasurer in the case of a municipal district or the office of the Minister in the case of an improvement district, as the case may be, and shall also take from the recipient a written agreement for a lien, which may be in Form B in the schedule to this Act, upon all crops grown or to be grown in each of the years 1934 and 1935 upon the land in respect of which the advance is made; and the municipality shall cause a copy of every such lien to be filed on or before July 31st, 1934, with the clerk of the registration district established pursuant to *The Bills of Sale Act* and with the Registrar of the Land Titles Registration District in which the land affected thereby is situate.

**9.** Upon the filing of a notice of lien pursuant to this Act, the municipality shall have—

- (a) a lien upon all crops grown from any seed advanced pursuant to this Act, having priority over all claims and demands of whatsoever kind, nature or description;
- (b) a lien upon all crops grown in each of the years 1934 and 1935 upon the land in respect of which the advance was made, having priority over all claims and demands of whatsoever kind, nature or description;
- (c) a lien upon any land of the recipient, hereinafter more particularly described.

**10.** None of the provisions of *The Bills of Sale Act* shall apply to any agreement for a lien taken pursuant to this Act.

**11.** No person who has received any advance of seed grain under this Act shall, during the years 1934 and 1935, so long as any money is owing in respect thereof, either by himself, his servant or agent, sell, ship or otherwise dispose of any grain which is subject to a lien for such advance without the consent in writing of the municipality or some person duly authorized by the municipality for that purpose, and any person contravening the provisions of this section shall be guilty of an offence and shall be liable upon summary conviction therefor to a fine not exceeding one hundred dollars and costs, to which sum shall be added the amount owing in respect of the advance, and in default of payment forthwith, the person convicted shall be liable to imprisonment for a term of not more than one year.

**12.** The lien upon any crops created in favour of the municipality pursuant to this Act shall be enforceable by seizure and sale thereof and such charge shall not be affected

by any execution in the sheriff's hands at the time of registration of the lien agreement or by any incumbrance, whenever created, except mortgages or incumbrances given under *The Bills of Sale Act* as security for the purchase price of necessities within the meaning of section 32 of *The Bills of Sale Act* whenever created.

**13.—**(1) Any sum which may be owing to a municipality in respect of an advance of seed grain under the provisions of this Act shall, upon a copy of the lien being filed with the Registrar of Land Titles, be a charge upon the land of the recipient within the land registration district of such Registrar.

(2) Such charge shall have precedence over all other incumbrances against the land except taxes and sums which may by law be charged against the land in the same manner as taxes and any mortgage which is a first registered incumbrance against the land at the time the said notice is filed by the municipality, or which, being registered at that time, subsequently becomes a first registered incumbrance by the discharge of previous incumbrances, and except sums remaining unpaid in respect of advances previously made under any statute providing for seed grain advances.

**14.—**(1) The secretary-treasurer shall enter up, in a list to be kept by him for the purpose, all seed grain advances as they are from time to time made, together with the names of the applicants and the lands upon which, according to the application, such seed grain was to be sown, the promissory notes and seed grain liens taken therefor, and all payments made thereon.

(2) No application for seed grain by a tenant or occupant who is not the owner of the land or a purchaser under an agreement of sale shall be granted unless the application is approved in writing by the registered owner of the land.

(3) Where application is made in respect of land the title to which is in the Crown in the right of the Province, the municipality may with the consent of the Minister of Lands and Mines make an advance of seed grain to an occupant of such land, and the amount advanced shall be a first charge against the interest of the applicant in such land.

**15.—**(1) Any person who with intent to defraud obtains seed grain from a municipality under the provisions of this Act, or disposes of seed grain so obtained for any purpose other than seeding purposes as specified in his application, without the consent of the municipality or its duly authorized agent, shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding one hundred dollars, and in default of payment thereof to imprisonment for a term not exceeding three months.

(2) No prosecution under this section shall be instituted or carried on save upon the information of some person

duly authorized in the case of a municipal district, by resolution of the council, to lay such information, or in the case of an improvement district, by the Minister.

**16.** Any member of the council of a municipality or any officer of a municipality who votes for or knowingly permits the improper borrowing or misapplication of moneys received under the authority of this Act, or the misapplication of seed grain purchased thereunder, shall be liable upon summary conviction to a penalty not exceeding one hundred dollars nor less than twenty dollars, and in default of payment forthwith after conviction, to imprisonment for a term not exceeding two calendar months.

**17.** Each municipality advancing seed grain under the authority of this Act shall on or before the first day of August, 1934, cause to be prepared and forwarded to the Minister a return showing the names of all persons to whom the advances have been made and the amounts thereof.

**18.** In the case of a municipal district, the secretary-treasurer, and, in the case of an improvement district, the Minister may, upon the payment in full of all sums owing in respect of any seed grain advance made pursuant to this Act, file with the Clerk and the Registrar of Land Titles with whom the agreement for lien has been filed a discharge which may be in Form C in the schedule to this Act.

**19.** Every Clerk of the Court and every Registrar of Land Titles shall receive and file any lien delivered to him for filing pursuant to this Act and shall make all necessary entries and memoranda with reference thereto, and shall register every lien and every discharge thereof without fee or charge.

**20.** The Provincial Treasurer may from time to time refer for investigation and a report to the Seed Grain and Relief Adjustment Board, the question as to whether or not any amounts owing in respect of advances of seed grain made pursuant to this Act are collectable or otherwise, and every such board shall inquire and report thereon, and if any such amount is reported to be uncollectable, the Minister may declare the same to be uncollectable and upon such declaration being made and notification thereof being given to the municipality, the council shall repay to the Provincial Treasurer fifty per centum of the amount of the deficiency together with accrued interest thereon, and if the same is not duly paid, it may be deducted from any grant of any kind at any time payable by the Government of the Province to the municipality.

**21.** For the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency therein, the Minister may—

- (a) make regulations not inconsistent with the spirit of this Act which shall have the same force and effect as if incorporated herein;
- (b) authorize or require the use of forms and from time to time alter, amend or cancel the same and substitute new forms in place of those cancelled.

**22.** This Act shall come into force on the day upon which it is assented to.

## SCHEDULE.

---

 FORM A.  
 (Section 5.)

BY-LAW NO. . . . . OF THE MUNICIPAL DISTRICT OF. . . . .

*A By-law pursuant to The Temporary Seed Grain  
 Advances Act, 1934.*

Under the authority of *The Temporary Seed Grain Advances Act, 1934*, the Council of the Municipal District of . . . . . enacts as follows:

1. This municipal district may for the spring seeding season of 1934, advance seed grain on credit to farmers residing on patented lands within the municipal district who, owing to bad crops or other adverse conditions, are unable to procure the same, and the council may, to enable it to make such advances, borrow upon the promissory note or notes of the municipal district \$. . . . . for the purchase of a supply thereof for distribution.

2. The purchase price of all seed grain advanced hereunder shall be secured by promissory notes payable on demand and by registered seed grain liens in favour of the municipal district upon all crops grown upon the lands named in the application for the season after the date thereof and by a charge upon the said lands.

Done and passed at. . . . . this. . . . . day  
 of. . . . ., A.D. 1934.

[SEAL] . . . . .  
 . . . . . Reeve.

Approved, . . . . .  
 . . . . . Secretary.

*Minister of Municipal Affairs.*

---

 FORM B.  
 (Section 8.)

## LIEN.

I, . . . . . of the Municipal District  
 of. . . . . (or Improvement District No. . . . .),  
 in the Province of Alberta, farmer, having obtained an advance of seed grain from the said municipal district (or improvement district) to the value of. . . . . dollars,  
 for which I have this day given said municipal district (or improvement district) my promissory note, payable on demand, with interest at the rate of. . . . . per cent per annum,  
 which said seed grain is to be sown on. . . . . Section. . . . .,  
 Township. . . . ., Range. . . . ., west of the. . . . . Meridian, in



the said Province, hereby agree that the said amount together with \$. . . . ., the amount of my unpaid indebtedness to the said municipal district (*or* improvement district) for seed grain advanced for the year 193. . . (as the case may be) and interest shall be and remain a lien and charge upon all crops grown upon the said lands during the year 1934, and the year 1935, and shall also be a charge upon said lands.

Signed at. . . . ., in the Province of Alberta,  
the. . . . .day of. . . . ., A.D. 1934.

. . . . .  
(*Witness sign here*)                      (*Borrower sign here*)

---

FORM C.

(Section 19.)

DISCHARGE OF LIEN.

I do hereby certify that. . . . ., of the Municipal District of. . . . . (*or* Improvement District No. . . . .), in the Province of Alberta, farmer, has paid all money due on or to become due on the lien agreement on the. . . . .Section. . . . ., Township. . . . ., Range. . . . ., west of the. . . . .Meridian, in the Province of Alberta, which said lien agreement was registered in the Registration District of. . . . .on the. . . . .day of. . . . ., 19. . . as No. . . . ., and that such lien is therefore discharged.

Dated this. . . . .day of. . . . ., A.D. 19. . .  
[SEAL] . . . . .

(*To be signed by the Secretary-Treasurer in the case of a Municipal District, or by the Minister of Municipal Affairs in the case of an Improvement District.*)

No. 31.

---

FOURTH SESSION  
SEVENTH LEGISLATURE  
24 GEORGE V  
1934

---

**BILL**

An Act to provide for Temporary  
Seed Grain Advances to Farmers.

---

Received and read the

First time .....

Second time.....

Third time.....

---

HON. MR. HOADLEY

---

EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1934