

Bill No. 51 of 1936.

A BILL TO PROVIDE FOR AGRICULTURAL RELIEF
FOR NECESSITOUS FARMERS.

NOTE.

Section 3 of this Bill provides for the constitution, by Order in Council from time to time, of arrears for a period of not more than one year from the date of constitution, and for the making of advances to necessitous farmers therein for the purpose of furnishing them with any of the following commodities, namely; feed grain, fodder, seed grain, fuel oil and lubricating oil.

Every municipality included in an area is required to make provision to the satisfaction of the Minister for furnishing to necessitous farmers within the area such commodities as may be furnished to them for the time being pursuant to the Act.

Provision is made for loans by the Provincial Treasurer to municipalities to enable them to meet expenditures incurred under the Act, and a municipality is authorized to make borrowings from banks pending the receipt of loans from the Provincial Treasurer.

Section 10 provides as to advances for seed grain which may be made pursuant to the Act.

Upon making any advances under the Act the municipality acquires,—

- (a) a lien upon all crops grown from any seed advanced at any time within twelve months after the advance, taking priority over all other claims and demands except as therein provided;
- (b) a lien upon all crops grown in the year in which the advance is made and in each of the next ensuing three years upon the land in respect of which the advance was made, with a similar priority; and
- (c) a lien upon the land of the recipient, taking priority as from the date of filing a caveat.

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. 51 of 1936.

An Act to provide for Agricultural Relief for Necessitous Farmers.

(Assented to _____, 1936.)

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 Agricultural Relief Advances Act.*"

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

- (a) "Area" means any part of the Province for the time being constituted an area for the purposes of this Act;
- (b) "Crops" means crops of grain whether growing or severed, and includes all grain obtained therefrom;
- (c) "Minister" means the Minister of Municipal Affairs;
- (d) "Municipality" means a municipal district or an improvement district;
- (e) "Seed grain" means any seeds of wheat, oats, rye, barley and flax 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.—(1) The Lieutenant Governor in Council may from time to time by order declare that any part or parts of the Province shall be an area or areas for the purpose of this Act for a period of not more than one year from the date of any such order and may, by the same or by a separate order, authorize the making of advances for the purpose of furnishing to necessitous farmers in an area all or any of the following commodities, namely, feed grain, fodder, seed grain, fuel oil and lubricating oil, as may be specified in the order.

(2) Every such order shall be published in *The Alberta Gazette* and a copy thereof shall be submitted to the Legislative Assembly at the next Session thereof following the making of the order and within fifteen days of the commencement of such Session.

4. Every municipality which is included wholly or partially in an area constituted pursuant to this Act shall, so long as it is so included, make provision to the satisfaction of the Minister for furnishing to necessitous farmers who are within the area and the municipality such commodities as are for the time being authorized to be furnished to necessitous farmers in the area by any order in council made pursuant to this Act.

5. The Provincial Treasurer is hereby authorized to lend out of the General Revenue Fund, without any further or other appropriation than that made by this Act, to any municipality in an area, such sums as may be required to furnish farmers in the municipality with any commodity which may be furnished to farmers in the area pursuant to this Act who are for the time being unable, by reason of crop failure or other adverse conditions, to procure such commodity out of their own resources.

6. A municipality in an area may borrow from the Provincial Treasurer such sums as it may from time to time require for the purpose of furnishing to necessitous farmers any commodities which are authorized to be so furnished for the time being under an order in council made pursuant to this Act to farmers of the class described in section 4 of this Act during any period for which the area is constituted, 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.

7. With the approval of the Minister the council of a municipality in an area may from time to time during any period for which the area is constituted, by by-law which shall be in Form A in the schedule to this Act, authorize the borrowing of any money required for the purchase of any commodity pursuant to this Act and an order in council made pursuant thereto 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 any money borrowed pursuant to this section shall be repayable within twelve months of the date of the borrowing.

8. In respect of improvement districts in an area 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.

9. 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.

10.—(1) Any money borrowed by a municipality under any of the provisions of this Act for seed grain advances

shall be expended in the purchase and distribution of seed grain to be supplied to farmers of the class mentioned in section 4 hereof for seeding the lands of such farmers and for no other purpose whatsoever.

(2) The amount of seed grain so purchased and distributed shall not in the case of any applicant exceed in any year an amount which together with any seed which the applicant is shown by his application to possess is sufficient to seed the arable land of the applicant for the time being in condition to be seeded as follows:

If the applicant has arable land in condition for seeding amounting to,—	Percentage of such land for which seed may be provided:
50 acres or less	100%
Over 50 acres and not more than 100 acres	80%
Over 100 acres and not more than 200 acres	75%
Over 200 acres and not more than 300 acres	60%
Over 300 acres and not more than 600 acres	50%

11.—(1) All advances of any commodity 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.

(2) The municipality shall charge the recipient of any commodity advanced pursuant to this Act such an amount as it shall deem reasonably sufficient to cover the cost of the commodity and the expense entailed by the purchase and distribution thereof, and no more.

(3) Upon the making of every advance of any commodity, 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 the year in which the advance is made and in the next ensuing three years upon the land in respect of which the advance is made and upon any other land farmed by the recipient.

(4) Within ninety days of the making of any advance for the first time to any person pursuant to this Act the municipality shall cause to be published in *The Alberta Gazette* a notice to the effect that such person has received such an advance and shall file in the office of the proper Land Titles Registration District a caveat in Form C in the schedule to this Act.

(5) In case the requirements of subsection (4) have been complied with in respect of any person, it shall not be necessary to give any further notice or file any further caveat in the case of any further advances to that person.

12. If within ninety days after the making of any advance pursuant to this Act the municipality causes to be published in *The Alberta Gazette* a notice to the effect that an advance has been so made, setting out the name and post office address of the recipient, the municipality shall have, as and from the date of such publication,—

- (a) a lien upon all crops grown from any seed advanced pursuant to this Act at any time within twelve months after the advance referred to in the notice, having priority over all claims and demands of whatsoever kind, nature or description, save and except only as is otherwise provided by this Act to the contrary;
- (b) a lien upon all crops grown in the year in which the advance referred to in the notice is made and in each of the next ensuing three years upon the land in respect of which the advance was made, having priority over all claims and demands of whatsoever kind, nature or description, save and except only as is otherwise provided by this Act to the contrary;
- (c) a lien upon any land of the recipient, hereinafter more particularly described.

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

14. No person who has received any advance of any commodity under this Act shall, during the year in which the advance is made and in the next ensuing three years, 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.

15.—(1) The lien upon any crops created in favour of a municipality pursuant to this Act shall not be affected by any execution in the sheriff's hands as at the time of the creation of the lien or by any encumbrance whenever created except only mortgages or encumbrances given under *The Bills of Sale Act* as security for the purchase price of necessaries within the meaning of section 32 of that Act whenever created.

(2) Every lien upon crops created pursuant to this Act shall be enforceable by seizure and by sale thereof, in the same manner as if provided for the recovery of taxes owing to the municipality by distress, at any time before severance and at any time after severance wherever the same may be found except only in cases where a buyer has acquired a good title thereto pursuant to the provisions of section 24a of *The Sale of Goods Act*.

(3) In the case of a municipal district, the secretary-treasurer or any person appointed by him in writing for the purpose, and in the case of an improvement district, any person appointed in writing by the Minister for the purpose, is empowered to enforce any such lien and to seize and sell any crops subject thereto.

(4) The costs chargeable in respect of seizure and sale under this section shall be those payable to bailiffs under *The Distress Act*.

16.—(1) If a municipality which has made any advance pursuant to this Act files with the Registrar of Land Titles for the appropriate Land Registration District a caveat in Form C in the schedule hereto, any sum which may be owing to the municipality in respect of an advance of any commodity made under the provisions of this Act at any time, whether before or after the filing of the caveat, shall 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 encumbrances 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 encumbrance against the land at the time the said lien is filed by the municipality, or which, being registered at that time, subsequently becomes a first registered encumbrance by the discharge of previous encumbrances, and except sums remaining unpaid in respect of advances previously made under any statute providing for seed grain advances.

17.—(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 name of the applicants and the land 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 by 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.

18. In any case where the applicant for any advance pursuant to this Act is a person whose interest in the land which he farms is that of a lessee or a homesteader, the municipality may require that the applicant shall give to the municipality a mortgage upon his live stock and its increase to secure the repayment of the amount of the advance with interest which mortgage shall be subject to all the provisions of *The Bills of Sale Act*.

19.—(1) Any person who with intent to defraud obtains any commodity from a municipality under the provisions of this Act or disposes of any commodity so obtained for any purpose other than such purposes as are specified in the application therefor 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.

20. Every advance made pursuant to this Act shall be made in kind and not otherwise, and under no circumstances shall any money be advanced in lieu of or in addition to the commodity advanced.

21. 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 any commodity 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.

22. Each municipality advancing any commodity under the authority of this Act shall on or before the first day of January in each year cause to be prepared and forwarded to the Minister a return showing the names of all persons to whom the advances have been made during the previous year and the nature thereof and the amounts thereof.

23. 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 by any person in respect of any advance made pursuant to this Act file with the Registrar of Land Titles with whom the caveat has been filed a discharge which may be in Form D in the schedule to this Act, and publish a notice in *The Alberta Gazette* to the effect that all sums so owing have been paid.

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

25. 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 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.

26. 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.

27. Any by-law enacted by any municipal district since the first day of November, 1935, which has for its object the provision of seed grain advances in the year 1936 and which has been approved by the Minister shall, in the event of the municipal district being wholly or partially included in an area constituted during the year 1936, have the same force and effect as if the same were a by-law enacted pursuant to section 6 of this Act.

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

SCHEDULE

FORM A.

(Section 7.)

BY-LAW NO. OF THE MUNICIPAL DISTRICT OF

A By-law pursuant to *The Agricultural Relief Advances Act.*

Under the authority of *The Agricultural Relief Advances Act* the Council of the Municipal District of enacts as follows:

1. This municipal district may for the year 19... , advance feed grain and/or fodder and/or seed grain and/or fuel oil and lubricating oil (as the case may be) 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 commodities advanced hereunder shall be secured by promissory notes payable on demand and by registered 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. 193..... (SEAL)

Reeve.

Approved,

Secretary.

Minister of Municipal Affairs.

FORM B. (Section 11.)

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 (hereinafter called "the municipality") to the value of dollars, for which I have this day given the municipality my promissory note, payable on demand, with interest at the rate of per centum 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 and interest thereon together with \$....., the amount of my unpaid indebtedness to the municipality for seed grain advanced for the year 193... and interest together with any sums in which I may, within the next ensuing twelve months, become indebted to the municipality for any further advances made to me by the municipality pursuant to the said Act shall be and remain a charge and lien upon all crops grown upon the said lands during the year 193... and shall also be a charge upon all my interest in the before mentioned lands.

Signed at in the Province of Alberta, the day of , A.D. 193.....

(Witness sign here.)

(Borrower sign here.)

FORM C.
(Section 16.)

The Agricultural Relief Advances Act.

CAVEAT.

To the Registrar of the Alberta Land
Registration District:

Take notice that the Municipal District of ,
No. (or Improvement District No.)
has a lien or charge pursuant to *The Agricultural Relief
Advances Act* upon the following land, namely:

Dated the day of, 193.....
(*To be signed by the Secretary-Treasurer in the case of a
Municipal District, or by the Minister of Municipal
Affairs or his Deputy in the case of an Improvement
District.*)

FORM D.
(Section 23.)

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
in respect of the lien or charge of the under mentioned
municipality for advances pursuant to *The Agricultural
Relief Advances Act* upon the Section,
Township, Range, West of the
Meridian, in the Province of Alberta, in respect of which
lien a caveat was filed in the
Alberta Land Registration District, on the day
of, 193....., as No.,
and that the lien or charge of the undersigned is therefore
discharged.

Dated this day of, A.D. 193.....
(SEAL)
(*To be signed by the Secretary-Treasurer in the case of a
Municipal District, or by the Minister of Municipal
Affairs or his Deputy in the case of an Improvement
District.*)

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act to provide for Agricultural
Relief for Necessitous Farmers.

Received and read the

First time

Second time

Third time

HON. MR. COCKROFT.

EDMONTON:
A. Shnitka, King's Printer
1936