

Bill No. 38 of 1937.

A BILL TO AMEND THE AGRICULTURAL  
RELIEF ADVANCES ACT.

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NOTE.

By this Bill, *The Agricultural Relief Advances Act* which was restricted to the year 1936, becomes of general and unrestricted application.

Section 2 redefines "Minister" and provides a new definition for the expression "Necessitous farmer".

Section 4 restates the obligations of a municipality for the furnishing of the commodities to necessitous farmers in its boundaries, which are for the time being authorized to be furnished pursuant to any Order in Council made under section 3 of the Act.

The amendments made by sections 5, 6 and 7, are of a minor character.

Section 8 provides a new scale of the allowances of seed which may be made under the Act.

Section 9 provides that the interest payable in respect of advances shall be as fixed by Order in Council.

Section 10 limits the time within which prosecutions may be brought for offences under the Act to twelve months.

Section 11 relates to securities taken for advances to tenants and homesteaders; modifies certain provisions of *The Bills of Sale Act*; and makes any mortgage upon live stock given for advances of feed or fodder for such live stock a prior charge over all other mortgages, etc., thereon.

Section 12 relates to the misapplication of commodities advanced under the Act; prescribes a penalty therefor; and limits the right to prosecute to persons authorized by the Council in the case of a Municipal District or the Minister in the case of an Improvement District.

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. 38 of 1937.

An Act to amend The Agricultural Relief Advances Act.

(Assented to \_\_\_\_\_, 1937.)

**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 Agricultural Relief Advances Act Amendment Act, 1937.*"

**2.** *The Agricultural Relief Advances Act*, being chapter 33 of the Statutes of Alberta, 1936, is hereby amended as to section 2 thereof,—

(a) by striking out paragraph (b) thereof and by substituting therefor the following:

"(b) 'Minister' means the member of the Executive Council for the time being charged with the administration of this Act;"; and

(b) by inserting therein immediately after paragraph (c) the following:

"(c1) 'Necessitous farmer' means a farmer who by reason of circumstances beyond his control is unable out of his own resources to provide himself with any of the commodities which may be furnished to him pursuant to this Act;".

**3.** The said Act is further amended as to section 3 thereof by striking out the words and figures "during the year 1936" where the same occur therein and by substituting therefor the words and figures "during the year 1936 and during every year thereafter".

**4.** The said Act is further amended as to section 4 thereof by striking out the same and by substituting therefor the following:

"4. Every municipality shall make provision to the satisfaction of the Minister for furnishing to necessitous farmers who are resident in the municipality, such commodities as are for the time being authorized to be furnished to necessitous farmers by any order in council made pursuant to section 3."

**5.** The said Act is further amended as to section 5 thereof,—

- (a) by striking out the words "furnished to farmers" where the same occur therein and by substituting therefor the words "furnished to necessitous farmers"; and
- (b) by striking out the words "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. The said Act is further amended as to section 6 thereof by striking out the words "farmers of the class described in section 4 of this Act" where the same occur therein and by substituting therefor the words "necessitous farmers".

7. The said Act is further amended as to section 7 thereof by striking out the words "pursuant to this Act and an order in council made pursuant thereto" where the same occur therein and by substituting therefor the words "which the municipality is by section 4 required to provide for necessitous farmers".

8. The said Act is further amended as to section 10 thereof,—

- (a) by striking out the words "farmers of the class mentioned in section 4 hereof" where the same occur in subsection (1) and by substituting therefor the words "necessitous farmers";
- (b) by striking out the words commencing with the words "If the applicant has arable land" down to the end of the section and by substituting therefor the following:

"If the applicant has arable land in condition for seeding amounting to:	Seed may be provided for:
50 acres .....	50 acres.
100 " .....	75 "
200 " .....	120 "
300 " .....	165 "
400 " .....	210 "
500 " .....	255 "
600 " .....	300 "

"Provided the acreage of arable land in condition for seeding is an amount other than an amount mentioned above, the acreage for which seed may be advanced shall be calculated upon the basis of the foregoing table; and

Provided further that no seed shall be supplied to any applicant in excess of the amount necessary for seeding 300 acres of land."

9. The said Act is further amended as to section 11 by striking out the words "interest at six per centum per an-

num” where the same occur in subsection (3) thereof and by substituting therefor the words “interest at such rate per centum per annum as may be fixed for the time being by order of the Lieutenant Governor in Council”.

**10.** The said Act is further amended as to section 14 thereof by adding at the end thereof the following new subsection:

“(2) No complaint shall be made and no information shall be laid with respect to any offence under this section except within twelve months from the time when the matter of complaint or information arose.”

**11.** The said Act is further amended as to section 18 by striking out the same and substituting therefor the following:

“**18.**—(1) In any case where the applicant for an advance pursuant to this Act is a person whose interest in the land which he farms is that of a lessee or a homesteader or a purchaser under an agreement of sale, 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.

“(2) All the provisions of *The Bills of Sale Act* shall apply to every such mortgage except,—

“(a) that the time for registration shall be sixty days instead of thirty days as prescribed by that Act relating to registration;

“(b) that the provisions of section 11 of *The Bills of Sale Act* shall not apply to such a mortgage; and

“(c) that no fee shall be payable upon the registration of any such mortgage.

“(3) In any case where a mortgage is taken under this section to secure an advance of feed or fodder for the feeding of any live stock which is subject to any prior mortgage, charge or incumbrance, the mortgage so taken shall have priority over every other prior mortgage, charge or incumbrance, upon such live stock.”

**12.** The said Act is further amended as to section 19 thereof by striking out the same and by substituting therefor the following:

“**19.**—(1) Any person who obtains any commodity from a municipality under the provisions of this Act and uses such commodity 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 of not more than one hundred dollars and costs and in default of payment to imprisonment for a term not exceeding ninety days.

“(2) No prosecution under this section shall be instituted or carried on save upon the information of some person duly authorized to institute or carry on such prosecution

either by a resolution of the council in the case of a municipal district, or by the Minister in the case of an improvement district.

“(3) No complaint shall be made and no information shall be laid with respect to any offence under this section except within twelve months from the time when the matter of complaint or information arose.”

**13.** The said Act is further amended as to section 27 thereof,—

- (a) by striking out the words and figures “in the year 1936” where the same occur therein and by substituting therefor the words and figures “in the years 1936 or 1937”;
- (b) by striking out the words “in the event of the municipal district being wholly or partially included in an area constituted during the year 1936”.

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

THIRD SESSION  
EIGHTH LEGISLATURE  
1 GEORGE VI  
1937

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**BILL**

An Act to amend The Agricultural  
Relief Advances Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. CHANT.

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EDMONTON:  
A. Shnitka, King's Printer  
1937