

Bill No. 27 of 1941.

A BILL TO AMEND THE AGRICULTURAL
RELIEF ADVANCES ACT.

NOTE.

This Bill amends *The Agricultural Relief Advances Act*.

Under the present enactment there is a limited crop lien. The Department of Municipal Affairs which is in charge of collections under this Act has encountered the difficulty that a district will have a series of poor crops during which the crop lien will expire, and will subsequently realize a substantial harvest. The Department then has no way of enforcing repayment of these advances when in many cases the borrower is in a position to make such repayment. The land lien in most of these cases offers no protection as the borrower is frequently a renter or a purchaser under an agreement of sale with a very small equity. This amendment gives the Department a continuing lien on all crops grown by the borrower until he has repaid advances made pursuant to this Act, such lien being made retroactive to the thirty-first day of March, 1938.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 27 of 1941.

An Act to amend The Agricultural Relief Advances Act, 1938.

(Assented to _____, 1941.)

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, 1938, Amendment Act, 1941.*"

2. *The Agricultural Relief Advances Act, 1938*, being chapter 42 of the Statutes of Alberta, 1938, is hereby amended as to section 12 thereof:—

(a) by striking out the following words where the same occur in subsection (3): "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 and a charge upon the interest of the recipient in the lands in respect of which the advance is made and in any other lands and shall immediately thereafter send the note and the agreement to the Minister", and by substituting therefor the following: "which may be in Form B in the Schedule to this Act for a lien upon all crops grown or to be grown upon the land in respect of which the advance is made and upon all crops grown or to be grown upon any other land farmed by the recipient until all advances made pursuant to this Act have been repaid and for a charge upon the interest of the recipient in the land in respect of which the advance is made and upon his interest in any other land, and shall immediately thereafter send the note and the agreement to the Minister."

(b) by striking out subsection (4) and by substituting therefor the following:

"(4) Within ninety days of the making of any advance for the first time to any person pursuant to this Act, the Minister shall publish or cause to be published in *The Alberta Gazette* a notice to the effect that such person has received such an ad-

vance, and shall register or cause to be registered in the office of the proper Land Titles Registration District a caveat which may be in Form C of the Schedule to this Act."

3. The said Act is further amended as to section 13 by striking out the following words where the same occur in paragraph (b) of subsection (1) thereof: "A lien upon all crops grown or to be 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 and upon any other land farmed by the recipient", and by substituting therefor the following: "A lien upon all crops grown or to be grown upon the land in respect of which the advance is made and upon all crops grown or to be grown upon any other land farmed by the recipient until all advances made pursuant to this Act have been repaid".

4. The said Act is further amended as to the Schedule,—

(a) by striking out section 2 of Form A, and by substituting therefor the following:

"2. The purchase price of all commodities advanced hereunder shall be secured by promissory notes payable on demand, and by liens in favour of the municipal district upon all crops grown or to be grown upon the land in respect of which the advance is made, and upon all crops grown or to be grown upon any other land farmed by the recipient, until all advances made pursuant to this Act have been repaid, and by a charge upon the interest of the recipient in the land in respect of which the advance is made, and upon his interest in any other land.";

(b) by striking out Form B thereof and by substituting therefor the following:

"FORM B.

"(Section 12.)

"LIEN.

"I, of the
Municipal District of
(or Improvement District) No., in the
Province of Alberta, farmer, having obtained an
advance of 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 munici-
pality my promissory note, payable on demand, with
interest at the rate of per centum per
annum, which said advance is made in respect of
....., 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 advances made for..... for the year 194..... 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 or to be grown upon the land in respect of which the advance is made, and upon all crops grown or to be grown upon any other land which I may farm until all advances made pursuant to this Act have been repaid and shall also be a charge upon all my interest in the before mentioned lands and in all other lands vested or which may become vested in my name.

"Signed at....., in the Province of Alberta, the.....day of....., A.D. 194.....

.....
 "(Witness sign here.) (Borrower sign here.)"

5. This Act shall come into force on the day upon which it is assented to, and upon so coming into force, the provisions of section 3 of this Act shall be deemed to have been in force at all times on and after the thirty-first day of March, 1938.

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act to amend The Agricultural
Relief Advances Act, 1938.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MACMILLAN.

EDMONTON:
A. Shnitka, King's Printer
1941