

The Municipalities Relief and Agricultural Aid Act

being

Chapter 159 of *The Revised Statutes of Saskatchewan, 1940*
(effective February 1, 1941).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 159

An Act respecting the Granting of Relief and Agricultural Aid in Municipalities

Short title

1 This Act may be cited as *The Municipalities Relief and Agricultural Aid Act*.

1937, c.36, s.1; R.S.S. 1940, c.159, s.1.

Interpretation

2 In this Act, unless the context otherwise requires, the expression “**relief year**” means the period commencing on the first day of September in any year and ending on the thirty-first day of August in the following year.

1937, c.36, s.2; R.S.S. 1940, c.159, s.2.

Powers of Government to make agreements

3(1) The Government of Saskatchewan is empowered and shall be deemed always to have been empowered:

(a) to enter into any agreement with the Government of Canada which that Government is authorized to make by any statute of Canada respecting relief measures within the province, upon such terms and conditions as may be agreed upon;

(b) to make agreements with municipalities governing the winter maintenance of live stock and the marketing or other disposal of surplus live stock.

(2) For the purpose of carrying such agreements into effect, and subject to such terms and conditions as the Lieutenant Governor in Council may deem expedient, the Minister of Agriculture is empowered and shall be deemed always to have been empowered to do or carry out or cause to be done or carried out all such acts, transactions, matters and things as are deemed necessary, and in particular, and without prejudice to the foregoing generality:

(a) to provide for the purchase, shipment and sale of necessary feed grain and fodder;

(b) to provide for the movement of live stock to suitable feeding grounds and for the return of such live stock;

(c) to aid by way of transportation or otherwise in the marketing or other disposal of surplus live stock from areas affected by crop failure and shortage of fodder.

1937, c.36, s.3; R.S.S. 1940, c.159, s.3.

Powers of municipality respecting live stock

4 The council of every municipality is empowered and shall be deemed always to have been empowered, upon resolution, to enter into agreements with the Government of Saskatchewan governing the winter maintenance of live stock and the marketing or other disposal of surplus live stock, and to do or carry out or cause to be done or carried out all such acts, transactions, matters and things as are deemed necessary for the purpose of carrying into effect the provisions of such agreements.

1937, c.36, s.4; R.S.S. 1940, c.159, s.4.

Power of municipality to furnish relief

5 The council of every rural municipality is empowered and shall be deemed always to have been empowered to furnish direct relief in the form of food, fuel and clothing to farmers and other residents of the municipality who, owing to failure of crops or other adverse conditions, may need such direct relief.

1937, c.36, s.5; R.S.S. 1940, c.159, s.5.

Power to borrow moneys

6(1) The council may borrow such sums as may be required to furnish such direct relief or for the proper performance of any agreement entered into under section 4, and may repay such sums to the lender, together with interest at such rate not exceeding six per cent. per annum, at such time, subject to the provisions hereinafter contained, as shall be agreed upon with the lender.

(2) Sums required for such purpose shall be deemed to be sums required to meet the current expenditures of the municipality until such time as the taxes levied, or to be levied, for the current year are available, and shall be borrowed under the provisions of section 259 of *The Rural Municipality Act*.

(3) Such loan shall not limit or affect the borrowing powers of the municipality under any statute in force relating thereto.

1937, c.36, s.6; R.S.S. 1940, c.159, s.6.

Repayment of moneys borrowed

7 Promissory notes given by a municipality for moneys borrowed in pursuance of section 6 shall be made payable at a date not later than the first day of January following the close of the then current relief year, and may from time to time be renewed for a further period not exceeding in all one year from the first day of January next following.

1937, c.36, s.7; R.S.S. 1940, c.159, s.7.

Separate account to be kept

8 Moneys borrowed by a municipality under the authority of section 6 shall be held by the council and by the secretary treasurer thereof as a separate fund distinct from all other funds of the municipality, and the council shall cause to be kept by the secretary treasurer a separate and distinct account of such moneys.

1937, c.36, s.8; R.S.S. 1940, c.159, s.8.

Payment of province's share of cost

9 The Minister of Municipal Affairs is empowered and shall be deemed always to have been empowered to pay to any municipality which furnishes direct relief under section 5 such portion of the necessary expenditures incurred for the furnishing of such direct relief as may be approved by the minister.

1937, c.36, s.9; R.S.S. 1940, c.159, s.9.

Advances by provinces to municipality

10(1) The minister may advance from time to time to the municipality as monthly accounts are submitted and approved such amount or amounts as are, in the opinion of the minister, required to meet the share or a portion of the share of the municipality of the actual cost of direct relief furnished under section 5.

(2) In consideration of the said advance or advances the municipality shall execute and deliver to the minister promissory notes in favour of the Provincial Treasurer in a sum equivalent to the amount advanced.

(3) The said promissory notes shall be payable on the first day of November following the close of the relief year in which the advance or advances are made, and shall bear interest at the rate of four and one-half per cent. per annum, as from the date of the execution thereof until paid.

1937, c.36, s.10; R.S.S. 1940, c.159, s.10.

Lien agreements, etc.

11(1) A municipality making an advance of direct relief or in respect of live stock under the authority of this Act shall take from the recipient a lien agreement providing for payment on demand and charging the lands of the recipient with repayment of the amounts of the advances and interest thereon at the rate of five per cent. per annum from the first day of September following the close of the relief year in which the advance is made until paid.

(2) Where the recipient is a registered owner of land the lien agreement shall designate such land either by reference to the certificate of title or by such a description as shall identify the land; where he is not a registered owner but is the purchaser of land under agreement or is tenant or occupant, the same form of agreement shall be taken but no particular description shall be required.

(3) The municipality may in case of an advance in respect of live stock 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*.

1937, c.36, s.11; R.S.S. 1940, c.159, s.11.

Registration of lien agreements

12(1) The secretary treasurer of the municipality shall file with the registrar of the proper land titles office a typewritten list, in duplicate, of all lien agreements taken by the municipality under this Act, giving:

- (a) the full name of the person by whom the lien is given;
- (b) his address;
- (c) the amount for which the lien agreement is given and, where more than one lien agreement has been taken, the total amount advanced to such person;
- (d) the date of the agreement; and
- (e) a description of the land, if any, of which such person is registered owner.

Such list shall be deemed sufficiently executed and attested if signed by the secretary treasurer and sealed with the seal of the municipality.

(2) The registrar shall register every such lien agreement against the land, if any, shown on the list to be affected thereby and shall also file the same as an execution against all the lands or all the other lands of such person in the land registration district.

(3) The provisions of *The Homestead Act* shall not apply to any such lien agreement.

(4) Instead of entering a memorandum in the execution docket the registrar may use a separate docket to be known as the "Municipal Relief Lien Docket".

(5) Where the purchaser is not the registered owner, the registered owner may consent in writing to the advance. The consent shall state the amount of the advance and describe the lands to be charged therewith and, when filed in the proper land titles office, the registrar shall register the same against the lands described therein, and shall also file it as an execution against the said lands.

1937, c.36, s.12; R.S.S. 1940, c.159, s.12.

Discharge of lien

13 Upon payment of the amount of an advance and interest thereon the council shall, by a letter signed by the secretary treasurer and sealed with the seal of the municipality, direct the registrar to enter a memorandum on the certificate of title to any land mentioned in such letter to the effect that the amount charged against the said land for advances under this Act has been paid, and the registrar shall on receipt of such letter make such memorandum accordingly, and thereupon the lien shall be discharged.

1937, c.36, s.13; R.S.S. 1940, c.159, s.13.

Discharge of executions

14 The council shall by a similar letter direct the registrar of land titles to enter a memorandum in the execution docket or in the "Municipal Relief Lien Docket", as the case may be, to the effect that the lands of the person named in the letter are released from all liens under this Act, and upon receipt of such letter the registrar shall make the memorandum accordingly and thereafter the lands of the person mentioned shall be released and discharged from all such liens.

1937, c.36, s.14; R.S.S. 1940, c.159, s.14.

Municipality to collect

15(1) The moneys due on lien agreements given to the municipality by persons receiving advances under this Act shall be collected by the municipality and the proceeds deposited in a separate account in the bank.

(2) Amounts due on any such lien agreements after the first day of August in the relief year in which the advance is made may be recovered in the same manner as municipal taxes may be recovered under *The Rural Municipality Act*; provided that, where the agreement is registered after a mortgage, and the mortgaged land is foreclosed or sold under the mortgage, the municipality shall not have power to seize and sell goods or chattels found on such land, unless the property of the person who gave the lien.

1937, c.36, s.15; R.S.S. 1940, c.159, s.15.

Improper disposition of supplies

16 Any person who disposes of any supplies furnished to him under this Act otherwise than for the purpose for which they were advanced shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$100, exclusive of costs, to which shall be added the amount remaining unpaid under the lien agreement; and, in default of payment forthwith after conviction, the person convicted may be imprisoned for a term not exceeding six months unless such fine and additional sum with costs, including the costs of the committal and of conveying such person to gaol, are sooner paid.

1937, c.36, s.16; R.S.S. 1940, c.159, s.16.

Penalty for improper borrowing or misapplication of moneys

17 Any member of the council of a municipality or any officer thereof 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 supplies purchased thereunder, shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$20 nor more than \$100 and in default of payment forthwith after conviction to imprisonment for a term not exceeding two months.

1937, c.36, s.17; R.S.S. 1940, c.159, s.17.

Payments to members of council

18(1) The council of a rural municipality may pass a resolution for paying the members, in addition to any other remuneration payable to them, a sum not exceeding \$3 *per diem* for every day necessarily occupied and ten cents per mile for every mile necessarily travelled by them respectively in the performance of work in connection with the granting or distribution of direct relief in the municipality or the maintenance of live stock.

(2) In case the council passes a resolution under subsection (1), the provisions of subsections (2), (3) and (4) of section 49 of *The Rural Municipality Act* shall apply.

(3) Any sums heretofore paid by a municipality to the members of its council for work performed in connection with the granting or distribution of direct relief in the municipality or the maintenance of live stock are hereby declared to have been legally paid.

1937, c.36, s.19; R.S.S. 1940, c.159, s.18.

Application of certain remuneration against indebtedness

19(1) Notwithstanding anything contained in *The Rural Municipality Act* or any other Act, where a member of the council of a rural municipality is indebted to the municipality in respect of advances of food, fuel or clothing made to him under the authority of this Act, *The Municipalities Relief and Agricultural Aid Act, 1937*, *The Municipalities Relief Act, 1936*, or *The Municipalities Relief and Agricultural Aid Act, 1935*, or regulations made by the minister under any of the said Acts, the council may employ such member to do any work required in the municipality and remunerate him to the extent and in the manner hereinafter mentioned.

(2) The remuneration earned by any member so employed shall not exceed the amount of his indebtedness outstanding in respect of the advances mentioned in subsection (1), and such remuneration shall be applied by the municipality in or towards settlement of such indebtedness.

(3) The power conferred by subsection (1) shall be deemed to have been exercisable on and from the first day of September, 1934, and any remuneration earned and applied as set forth in subsection (2) shall be deemed to have been earned and applied under proper authority.

1938, c.34, s.3; R.S.S. 1940, c.159, s.19.

No charge for registration services

20 All registrations, annotations, memoranda, entries or other work performed by any registrar of land titles or registration clerk under this Act, shall be done without fee or charge of any kind.

1937, c.36, s.20; R.S.S. 1940, c.159, s.20.

Regulations and forms

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 the 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.

1937, c.36, s.21; R.S.S. 1940, c.159, s.21.

Affidavits

22 The reeve or any councillor of a municipality may administer any oath or take any affidavit required by the regulations for the purposes of this Act.

1937, c.36, s.22; R.S.S. 1940, c.159, s.22.

Members of Legislative Assembly indemnified

23 Nothing in *The Legislative Assembly Act* shall be deemed to disqualify or to have disqualified a person as a member of the Legislative Assembly by reason only of his being concerned or interested in any bargain or contract respecting the purchase, shipment, sale or distribution of feed grain or fodder or the furnishing of relief under this Act.

1938, c.34, s.4; R.S.S. 1940, c.159, s.23.