

UNEDITED

The Municipalities Fence Aid Act

being

Chapter 106 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY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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SCHEDULE

CHAPTER 106

An Act to enable Municipalities to supply Material for Fencing Purposes

Short title

- 1 This Act may be cited as *The Municipalities Fence Aid Act*.

1919–20, c.32, s.1; R.S.S. 1920, c.106, s.1.

Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

“Municipality”

1. “**Municipality**” means a rural municipality;

“Minister”

2. “**Minister**” means the Minister of Municipal Affairs.

1919–20, c.32, s.2; R.S.S. 1920, c.106, s.2.

Borrowing powers of municipality

- 3 Any municipality may borrow such sum as shall appear to its council to be required to supply fencing material to farmers for fencing purposes when, in the opinion of the council, special circumstances render such action necessary or desirable; and may repay such sum to the lender, together with interest at such rate, not exceeding eight per cent. per annum, and at such time, subject as hereinafter mentioned, as shall be agreed upon between it and the lender.

1919–20, c.82, s.3; R.S.S. 1920, c.106, s.3.

Loans on resolution of council

- 4 In case the sum required does not exceed two thousand dollars, the money may be raised under the authority of a resolution of council which shall regulate the amount to be borrowed and the rate of interest to be paid.

1919–20, c.32, s.4; R.S.S. 1920, c.106, s.4.

Loans in pursuance of bylaw

- 5(1) Except as in section 4 provided, no loan shall be made except in pursuance of a bylaw authorising the municipality to borrow for the above purpose such sums as may from time to time be deemed necessary, upon the security of its promissory note.

- (2) Every such bylaw shall, before the final passing thereof, be submitted to the electors, and shall, if a poll is demanded, be voted upon on such day as the council may fix therefore, and shall require the assent of a majority of the electors voting thereon.

(3) The proceedings upon such submission and voting shall be the same *mutatis mutandis* as are provided in sections 207, 208, and 210 to 216 of *The Rural Municipality Act*, save that no application or reference to the Local Government Board shall be necessary, and, subject to this exception, all the provisions in *The Rural Municipality Act* relating to bylaws and the passing and approval thereof and to any right, remedy, action, proceeding, matter or thing which may be claimed, prosecuted, taken or done in relation to bylaws under the said Act, or to a done thereunder or against any person in connection therewith, shall apply *mutatis mutandis* to any bylaw passed under the authority of this Act.

1919–20, c.32, s.5; R.S.S. 1920, c.106, s.5.

Form of bylaw

6 Every such bylaw shall be in form A, or to the like effect, and the notice to electors and notice of poll which may be required to be given in relation thereto shall be in forms B and C respectively.

1919–20, c.32, s.6; R.S.S. 1920, c.106, s.6.

Effect of approval of bylaw by minister

7 Upon any such bylaw receiving the approval of the minister such approval shall be conclusive evidence that the municipality has been legally constituted and had power to pass the bylaw, that such bylaw is valid and binding upon the municipality and that promissory notes given by the municipality for moneys borrowed under the authority thereof are a good and indefeasible security in the hands of bona fide holders, and the sums payable thereunder a valid debt of the municipality.

1919–20, c.82, s.7; R.S.S. 1920, c.106, s.7.

Execution, payment and renewal of promissory note

8 Promissory notes given by a municipality for moneys borrowed under the authority of a bylaw passed in pursuance of this Act shall be signed by the reeve and secretary treasurer, and shall be made payable at a date not later than the thirty-first day of December next after the making thereof, and may from time to time be renewed for a further period not exceeding in all three years from the said date.

1919–20, c.32, s.8; R.S.S. 1920, c.106, s.8.

Amount of moneys borrowed

9 Moneys borrowed by a municipality under the authority of this Act 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.

1919–20, c.32, s.9; R.S.S. 1920, c.106, s.9.

Expenditure of moneys

10 A municipality which has borrowed money under this Act shall from time to time expend it in the purchase and distribution of fencing material to be supplied for use upon land within the municipality, to such farmers resident therein or in an adjoining municipality, as may be unable to purchase the same without assistance; but the municipality shall not advance a quantity of material of greater value than \$100 in respect of any one quarter section, nor for the fencing of any lands the patent whereof has not issued from the Crown.

1919–20, c.32, s.10; R.S.S. 1920, c.106, s.10.

Distribution of material

11 In no case shall money be advanced out of the said fund, either in lieu of fencing material or in addition thereto, the intention of this Act being that the purchase of all fencing material hereunder and the distribution thereof shall be made only in the manner provided by this Act.

1919–20, c.82, s.11; R.S.S. 1920, c.106, s.11.

Price

12 The price to be charged by the municipality to purchasers of fencing material shall be such amount as shall be deemed fairly sufficient to cover the cost of the same and the expenses entailed by the purchase and distribution thereof, and no more.

1919–20, c.32, s.12; R.S.S. 1920, c.106, s.12.

Municipality to take notes

13 A municipality supplying fencing material under the authority of this Act shall forthwith take from the purchaser his promissory note or notes for the selling price of the same supplied, and said notes shall bear interest at the rate payable by the municipality upon the amount borrowed by it under this Act and shall be made payable in three equal annual instalments at the office of the secretary treasurer of the municipality:

Provided that the maker of a note may pay the note in full with accrued interest on any date on which an instalment falls due.

1919–20, c.32, s.13; R.S.S. 1920, c.106, s.13.

Recovery of sums due

14 Any sums which may become due upon a promissory note given to a municipality in payment of an advance of fencing material under the provisions, of this Act may be recovered from the maker by action or by distraint by the treasurer of the municipality.

1919–20, c.32, s.14; R.S.S. 1920, c.106, s.14.

Arrears a charge upon the land

15 Every sum which may be owing to the municipality upon a promissory note given as aforesaid shall, from the time of the advance for which such note was given, be a charge upon the land upon which the fencing material was, according to the application given therefor, intended to be used or upon which it was actually used, and the municipality shall file a caveat for the protection of such charge in the proper land titles office.

1919–20, c.32, s.15; R.S.S. 1920, c.106, s.15.

Record of advances

16(1) The secretary treasurer shall enter up, in a list to be kept by him for the purpose, all fencing material 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 fencing material was to be used, the promissory notes taken therefor, and all payments made thereon.

(2) No application for fencing material by a tenant or occupant who is not the owner of the land shall be granted unless the application is approved in writing by the registered owner of the land.

1919-20, c.32, s.16; R.S.S. 1920, c.106, s.16.

Penalty for fraud

17 Any person who with intent to defraud obtains fencing material from a municipality under the provisions of this Act, or disposes of fencing material so obtained for any purpose other than fencing purposes as specified in his application, shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding \$100 and in default of payment thereof to imprisonment for a term not exceeding three months.

1919-20, c.82, s.17; R.S.S. 1920, c.106, s.17.

Returns to minister

18 The secretary treasurer of each municipality advancing money in any year under the authority of this Act shall, on or before the first day of April in the following year, prepare and forward to the minister a return showing the names of all persons to whom advances have so been made and the amounts thereof.

1919-20, c.32, s.18; R.S.S. 1920, c.106, s.18.

SCHEDULE

FORM A

(Section 6)

Bylaw No. _____ of _____.

A Bylaw relating to Loans for Fencing Material.

Under the authority of *The Municipalities Fence Aid Act*,

The Council of the Rural Municipality of _____ No. _____
enacts as follows:

1. This municipality may advance fencing material on credit, for use upon land within this municipality, to farmers resident in this municipality, or in an adjoining municipality, who are unable to purchase the same without assistance, and the council may, to enable it to make such advances, borrow upon the promissory note or notes of the municipality the sum of _____ dollars (\$_____) for the purchase of a supply thereof for distribution.

2. The purchase price of all fencing material advanced hereunder shall be secured by promissory notes payable in three equal annual instalments at the office of the secretary treasurer and by the registration of caveats against the lands in respect of which the advances are made.

Read a first time at _____ the _____ day of _____ A.D. 19____.

Read a second time the _____ day of _____ A.D. 19____.

Read a third time and passed the _____ day of _____ A.D. 19____.

(Or, read by unanimous consent of the council and passed at _____ this _____ day of _____ A.D. 19____.)

.....
Reeve.

[SEAL]

.....
Secretary treasurer.

Certified a correct copy,

.....
Reeve.

[SEAL]

.....
Secretary treasurer.

FORM B

(Section 6)

NOTICE TO ELECTORS

The above is a true copy of bylaw number _____ which has been passed by the council of The Rural Municipality of _____ No. _____ and notice is hereby given that unless a poll is demanded as provided in section 5 of *The Municipalities Fence Aid Act* prior to the _____ day of _____ 19____, the council of the said municipality will apply to the Minister of Municipal Affairs for the approval of the said bylaw and for his authority to borrow the amount therein specified and to advance fencing material thereunder.

Dated at _____ this _____ day of _____ A.D. 19____.

.....
Reeve.

[SEAL]

.....
Secretary treasurer.

(And in case a poll is demanded the following notice shall be published:)

FORM C

(Section 6)

The Rural Municipality of _____ No. _____.

NOTICE OF POLL

Public notice is hereby given to the electors of the Rural Municipality of _____ No. _____ that a poll has been demanded pursuant to section 5 of *The Municipalities Fence Aid Act* upon bylaw No. _____ of this municipality intituled "A Bylaw relating to Loans for Fencing Material" passed by the council and authorising it to borrow \$ _____ for the purpose of enabling it to purchase a supply of fencing material to make advances thereof to farmers resident within the municipality unable to purchase the same without assistance and that a vote of the electors will be taken upon the said bylaw on the _____ day of _____ 19 _____ from 9 o'clock a.m. until 5 o'clock p.m. (mountain standard time) at the following polling places, namely:

Note.—(Either describe location of each polling place; or if the vote is to be taken at an annual election, simply say: "At the polling places fixed for the regular annual elections.")

And take notice further that I will at _____ on the _____ day of _____ at _____ o'clock ____m. sum up the votes and declare the result of the voting on said bylaw.

Dated at _____ this _____ day of _____ A.D. 19 _____.

.....
Returning Officer.

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