

BILL

No. 52 of 1913 (Second Session).

An Act to Provide for Giving Threshers a Lien in Certain Cases.

(Assented to _____, 1913.)

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 Threshers Lien Act.*"
2. Every person, firm or company owning or operating a threshing machine or separator, or causing the same to be operated, shall each year before commencing operations register his or their machine or machines with the Minister of Agriculture and shall procure a Certificate of Registration as in form A in the schedule hereto.
3. Such registration certificate shall be kept posted in a conspicuous place upon the machine or separator by the owner during the whole of the threshing season.
4. The fee for registration shall be \$1.00.
 - (2) Upon a transfer of ownership of a machine, registered under this Act, the certificate of registration may be transferred as in form B in the schedule hereto by the Minister of Agriculture upon proof to his satisfaction of such transfer upon payment of a transfer fee of 50 cents.
5. Every person who threshes or causes to be threshed grain of any kind for another person at or for a fixed price or rate of remuneration shall from the date of the commencement of such threshing until the completion of same have a lien upon such grain for the purpose of securing payment of the said price or remuneration and may take a sufficient quantity of such grain to secure payment of said price or remuneration or of such part or proportion thereof as may be earned at the time of such taking and such lien shall have priority over all rights of execution against the owner thereof or chattel mortgages, bills of sale or conveyances made by him and over rights of distress for rent reserved upon the land upon which the grain is grown; provided, that the right to exercise said lien and to take, remove and sell the grain retained under said lien shall be subject to the following conditions:
 1. The machine or separator must be registered in the name of the owner or owners in accordance with the provisions of this Act.
 2. Notice of said retention of said grain shall be given during the threshing or forthwith after the threshing is finished and said grain so retained shall be separated from the bulk of the threshed grain and removed from the premises within three days.
 3. All claims for wages from employees of the thresher for such threshing shall be satisfied.

6. The quantity of grain which may be so retained shall be a sufficient quantity computed at the market value thereof at the nearest market less 4 cents per bushel for each ten miles between the place of threshing and the nearest market for hauling the same to and delivering the same at the nearest available market, when sold to pay for the threshing of all grain threshed by the person taking the grain or by the servants or agents for the owner thereof during that same season.

7. The person who asserts such right of retention and removal may house or store the grain so taken and removed in his own name and if at the expiration of ten days from the time when such right of retention is asserted by the person entitled to the same the price or remuneration for which the said grain is held be not paid such person may sell the said grain at a fair market price, retain the haulage as set out in section 6. hereof and the price of remuneration for threshing and pay the balance, if any, to the owner of said grain.

8. In all cases grain retained under the provisions of this Act shall be sold within thirty days after the right of retention is asserted, unless the owner thereof consents in writing to the same being held unsold for a longer period.

9. Every person who threshes any grain shall from time to time as he may be required by the Minister of Agriculture send to the Department of Agriculture such information, statistics and returns as may be required from him.

10. The violation of any of the provisions of this Act shall be an offence for which the offender shall be liable on summary conviction to a penalty not exceeding \$25 and costs, and in default of payment thereof it shall be lawful for a justice or justices of the peace or police magistrate so convicting them or any one of them to commit the offender to the nearest common gaol, with or without hard labour, for a period not exceeding thirty days, unless the said penalty be sooner paid.

11. All fines imposed for the violation of this Act shall be paid over to the general revenue fund of the province.

12. The provisions of chapter 60 of the Consolidated Ordinances of the North-West Territories, 1898, as amended by chapter 11 of the Ordinances of the North-West Territories, 1899, are hereby repealed.

No. 52

FIRST SESSION
THIRD LEGISLATURE

4 GEORGE V

1913
(SECOND SESSION)

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ers a Lien in Certain Cases.

Received and read the

First time.....

Second time.....

Third time.....

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