

BILL

No. 54 of 1923.

An Act to amend The Bills of Sale Act.

(Assented to 1923.)

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 Bills of Sale Act Amendment Act, 1923.*"

2. Section 2 of *The Bills of Sale Act*, being chapter 151 of the Revised Statutes of Alberta, 1922, is amended by striking out subsection (1) thereof, and substituting therefor the following:

"**2.**—(1) For the purpose of registration of mortgages and other transfers of personal property in the Province, the boundaries of the registration districts shall be as existing immediately prior to the nineteenth day of January, one thousand nine hundred and twenty-three."

3. Section 10 of the said Act is amended by adding as subsection (3) thereof the following:

"(3) The provisions of this section shall not apply to any agreement required to be registered under the provisions of *The Conditional Sales Act*, being chapter 150 of the Revised Statutes of Alberta, 1922."

4. Section 16 of the said Act is hereby struck out, and the following substituted therefor:

"**16.**—(1) No mortgage, bill of sale, lien, charge, incumbrance, conveyance, transfer or assignment hereafter made, executed or created, which is intended to operate and have effect as a security shall in so far as the same purports to bind, comprise, apply to or affect any growing crop or crop to be grown in future in whole or in part, be valid except the same be made, executed or created as security for the purchase price and interest thereon of seed grain, or as security for the purchase price of meat, groceries, flour, clothing or binder twine (hereinafter collectively called 'necessaries').

"(2) The provisions of this Act shall apply to every such security upon growing crops or crops to be grown, made or created to secure the purchase price of seed grain and the affidavit of *bona fides* shall contain among the

other necessary allegations a statement that the same is taken to secure the purchase price of seed grain.

“(3) No such security to secure the price of seed grain shall be given upon any crop which is not sown within one year of the date of the execution of the said security.

“(4) Every registration clerk shall keep a separate register of all securities given upon growing crops, and shall be entitled to receive the same fees for his services as are provided under section 34 of this Act.

“(5) The date of the purchase of seed grain, the number of bushels and the price per bushel, shall be stated in the security as well as in the affidavit of *bona fides*.

“(6) No sum or sums shall be charged by any security given for the purchase price of necessities upon the crops to be grown upon any land in excess of the maximum or aggregate sum hereinafter set out, that is to say—

“(a) in the case of a parcel of land containing not more than one quarter section the sum of two hundred and fifty dollars;

“(b) in the case of a parcel or parcels of land containing more than one quarter section the sum of three hundred and fifty dollars.

“(7) Every security given for the purchase price of necessities which would, but for this subsection either alone or together with any other securities have the effect of charging the crops to be grown upon the lands of any person or any of them with more than three hundred and fifty dollars as a principal sum or sums shall be invalid.

“(8) The provisions of this Act shall apply to every such security given for the purchase price of necessities, and the affidavit of *bona fides* shall contain among the other necessary allegations a statement that the same is taken to secure the purchase price of necessities and such affidavit and the security shall specify the nature of such necessities.

“(9) No security for the purchase price of necessities shall be given upon any crop which is not sown within one year of the date of the execution of the said security.

“(10) Subject to the exception hereinafter contained, securities given under the provisions of this section shall when filed have priority over every other chattel mortgage or bill of sale, execution or distress, whensoever given, issued or levied.

“(11) Securities for the purchase price of seed grain given under the provisions of this section shall have priority over all securities given for the purchase price of necessities under the provisions of this section.

“(12) Securities given for the purchase price of necessities under the provisions of this section shall be subject to any priority that may be given to advances for seed grain by any other Act.

“(13) No security given for the purchase price of necessities shall be valid in respect of any money advanced prior to the first day of April, one thousand nine hundred and twenty-three.”

5. Schedule 2 of the said Act is hereby repealed.

6. All registrations of mortgages or other transfers of personal property made between the eighteenth day of January, one thousand nine hundred and twenty-three, and the coming into force of this Act shall be valid if made in the office of a registration clerk within a registration district in existence during that period or within a registration district as hereby constituted.

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

No. 54.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

BILL

An Act to amend The Bills of Sale
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE.

EDMONTON:
PRINTED BY J. W. JEFFERY, KING'S PRINTER
1923