

## BILL

No 32 of 1931

An Act to consolidate and amend The Threshers' Lien Act

(Assented to \_\_\_\_\_, 1931.)

**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, 1931.*"

2.—(1) Every person, firm or company owning or operating a threshing machine, separator, harvester thresher, combination thresher or any other machine that both cuts and threshes grain, or causing the same to be operated, shall each year before commencing operations register all such machines with the Minister of Agriculture and shall procure a certificate of registration which shall be in Form A in the schedule hereto.

(2) A copy of this Act shall be furnished with every certificate of registration.

3. The owner or operator of every such machine shall keep posted in a conspicuous place upon such machine the certificate of registration issued in respect thereof during the whole of the threshing season.

4.—(1) The fee for each registration shall be one dollar.

(2) Upon any transfer of ownership of a machine registered under this Act, the Minister of Agriculture, upon such transfer being proved to his satisfaction, may transfer the registration thereof accordingly and may issue a certificate of transfer in Form B in the schedule hereto upon payment of a transfer fee of fifty cents.

5.—(1) Every person who threshes grain or causes grain to be threshed for another person at or for a fixed price or rate of remuneration shall, from the date of the commencement of such threshing until sixty days after the completion of the same, have a lien upon such grain for the purpose of securing payment of the said price or remuneration.

(2) Every person who cuts and threshes grain, or causes grain to be cut and threshed for another person with a harvester thresher, combination thresher or any other machine that both cuts and threshes grain, at or for a fixed price or

rate of remuneration, shall, from the date of the commencement of such cutting until sixty days after the completion of the said cutting and threshing, have a lien upon such grain for the purpose of securing payment of the said price or remuneration.

(3) Such lien shall have priority over all rights, claims, charges, liens and encumbrances whatsoever, excepting only claims based upon a valid chattel mortgage to secure the price of seed grain.

(4) If the grain threshed or cut and threshed as aforesaid is sold and delivered to a *bona fide* purchaser, and removed from the possession of the original owner and from the premises and vicinity where it was threshed, the lien shall cease to exist but shall become a first charge upon so much of the price as may remain unpaid at the time when notice in writing of the lien is given to the purchaser by or on behalf of the lien-holder.

(5) If the grain threshed, or cut and threshed, as aforesaid is removed from any premises owned or occupied by, or under the control of the owner and is by him delivered to any person who advances money upon the security thereof, all advances made by such person *bona fide* before receiving notice of the thresher's lien shall take priority over such lien.

6. A lien-holder may, after having given to the owner of the grain written notice of his intention so to do, take a sufficient quantity of such grain to secure payment of the said price or remuneration, or of such part or proportion thereof as may be earned at the time of such taking, unless the owner in the meantime pays such price or remuneration or a part or proportion thereof earned at the time of notice given.

7.—(1) The quantity of grain which may be so taken shall be such quantity, computed as in subsection (2), as when sold shall realize sufficient to pay the price or remuneration for the threshing, or cutting and threshing, of all grain threshed, or cut and threshed, by the person taking the grain, or by his servants or agents, for the owner thereof during that same season.

(2) The value of any grain taken shall be the market value thereof at the nearest convenient public elevator less the cost of hauling, computed as follows: One and one-half cents per bushel in the case of oats and two cents per bushel in the case of all other grain for each five miles or fractional part thereof between the place of threshing and the nearest convenient public elevator.

8. The person taking any grain pursuant to this Act may forthwith store it in his own name in any public elevator, or at the thresher's risk in any other suitable storing place, and if, at the expiration of five days from the taking, the

price or remuneration for the threshing, or cutting and threshing, has not been paid, he may sell the grain at the prevailing market price.

9. The proceeds of sale shall be applied first in payment of the reasonable cost of transporting the grain to market, and next in payment of the price or remuneration for threshing or cutting and threshing. The residue, if any, shall be paid forthwith to the owner of the grain or to any person lawfully entitled to receive the same.

10. Every person who threshes or cuts and threshes any grain shall from time to time, as he is required by the Minister of Agriculture, send to the Department of Agriculture such information and returns as are required from him, and in default of his so doing he shall on summary conviction be liable to a penalty not exceeding twenty-five dollars and costs.

11.—(1) Any person who has a valid and subsisting lien or charge upon any grain, other than a lien created by this Act, shall, upon furnishing evidence of such lien to the person who has threshed or cut and threshed the grain, be entitled to a statement setting forth the number of bushels of grain threshed, or cut and threshed, the kind of grain and the price per bushel or per acre charged for threshing or for cutting and threshing or the rate per hour and the number of hours, or the rate per day and the number of days, for which payment is claimed in respect of such grain.

(2) If the thresher refuses or neglects to give such statement on demand, he shall be guilty of an offence and shall be liable upon summary conviction to a penalty of five dollars for every day during which the default continues, and costs.

12. Every person, firm or company which operates any machine without complying with any of the requirements of any of sections 2, 3 and 4 of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five dollars and costs and in default of payment, to imprisonment for a period not exceeding thirty days.

13. *The Threshers' Lien Act*, being chapter 183 of the Revised Statutes of Alberta, is hereby repealed.

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

## SCHEDULE.

FORM A  
(Section 2)GOVERNMENT OF THE PROVINCE OF ALBERTA.  
DEPARTMENT OF AGRICULTURE

## REGISTRATION CERTIFICATE OF THRESHING MACHINE.

No . . . . .

This is to certify that . . . . .  
of . . . . ., has duly registered his threshing  
machine in accordance with the provisions of section 2 of  
*The Threshers' Lien Act, 1931*

Dated at Edmonton, Alberta, this . . . . . day of  
. . . . ., 19 . . . . .

. . . . .  
*Minister of Agriculture.*

FORM B  
(Section 4.)

## CERTIFICATE OF TRANSFER

I hereby certify that Certificate No . . . . . is this day  
transferred from . . . . ., of . . . . .  
to . . . . ., of . . . . .

Dated at Edmonton, Alberta, this . . . . . day of  
. . . . ., 19 . . . . .

*Minister of Agriculture.*

FIRST SESSION  
SEVENTH LEGISLATURE  
21 GEORGE V  
1931

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**B I L L**

An Act to consolidate and amend The  
Threshers' Lien Act.

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Received and read the

First time. . .

Second time.. . . .

Third time . . . . .

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HON MR HOADLEY

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