

REPRINTED BILL

Bill No. 79 of 1941.

A BILL RESPECTING HARVESTING LIENS

NOTE.

This Bill introduces a new Act respecting harvesting liens.

It is very similar to *The Binder Twine Securities Act*, which is hereby repealed. It creates a lien on crops and the proceeds of crops for necessary goods supplied or services rendered in connection with the cutting, harvesting and threshing of the said crops. The harvesting advances for which a lien is given include wages, binder twine, fuel oil, repairs and rental for machinery hired. Any person advancing any of these goods or services may obtain from the farmer a crop mortgage note. Upon the filing of the crop mortgage note in the manner set out in the Act the holder of the note is given a lien which has priority over all other liens on the crop except as set out in *The Crop Liens Priorities Act*. Any farmer selling grain must inform the purchaser of all crop mortgage notes against the grain. The holder of such note may distrain upon the crop to realize the amount due to him and remaining unpaid. These notes together with the lien given by virtue of their filing, expire on the thirtieth day of June following the date on which they were given.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

tained, the various kinds of grain crops he has then growing or he has grown on the said land in the year in which the advances were obtained, the approximate acreage of each kind of grain crop, and the amount, particulars and value of the harvesting advances obtained by him in respect of which the crop mortgage note is given; and

- (b) an affidavit of the person making the harvesting advances which may be in Form B in the Schedule to this Act, showing the amount, particulars and value of the harvesting advances supplied to the farmer in respect of which the crop mortgage note is given, and the date of the making of such harvesting advances, and stating that the crop mortgage note was executed in good faith and for good consideration as set forth in the crop mortgage note, and not for the mere purpose of protecting the grain crops in respect of which the advances were made against the creditors of the farmer or for the purpose of preventing such creditors from recovering any claims which they have against the farmer.

5. Upon filing any crop mortgage note taken pursuant to this Act, together with the statement and the affidavit mentioned in the last preceding section in the office of the Registration Clerk of the Registration District in which the land or any part of the land of the farmer in respect of which the advances were obtained is situate, at any time within thirty days after the date upon which the harvesting advances were obtained by the farmer in respect of which the crop mortgage note was given, the person for the time being entitled to the benefit of the crop mortgage note shall for the purpose of securing the payment of the amount owing under the said note, have a first lien and charge upon all the grain crops of the farmer in respect of which the harvesting advances were obtained, grown in the year in which the said advances were made, and upon the proceeds thereof, which shall take priority over all other charges, liens, mortgages, and encumbrances on such crops except as set out in *The Crop Liens Priorities Act*.

6. It shall be the duty of every farmer offering any grain for sale to inform the person to whom it is offered of all crop mortgage notes given pursuant to this Act affecting the said grain and the amount, if any, then owing in respect of any such crop mortgage note.

7. The holder of a crop mortgage note which has been duly filed may distrain upon any of the grain crops of the farmer after the same are threshed and whilst in, on or about any land of the farmer for the amount of the note

remaining unpaid together with interest thereon in the same manner and to the same extent as landlords may distrain for rent in arrear.

8. The provisions of section 24a of *The Sale of Goods Act* shall not affect any valid and subsisting charge upon grain created pursuant to this Act.

9. The clerk of every Registration District shall receive and file all crop mortgage notes delivered to him and shall keep a register in alphabetical order of the names of all makers of crop mortgage notes so filed with him, and he shall be entitled to charge a fee of twenty-five cents for the filing of each crop mortgage note.

10. The taking of a crop mortgage note pursuant to this Act shall not be deemed to derogate from any other remedies which the holder of a crop mortgage note may have for enforcing the payment of the harvesting advance from the farmer or any other person liable therefor.

11. Every crop mortgage note given pursuant to this Act shall cease to have any force or effect after the thirty-first of July in the year following the year in which the same was made.

12. *The Binder Twine Securities Act*, being chapter 51 of the Statutes of Alberta, 1933, is hereby repealed.

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

SCHEDULE

FORM A
(Section 3)

The Harvesting Liens Act

The undersigned.....of.....
in the Province of Alberta, acknowledges that he is indebted to.....in the
sum of.....dollars, for.....

.....
.....
the same being necessarily delivered, advanced, performed or provided in connection with the cutting, harvesting or threshing of his crops, grown on.....
and agrees to pay the same to the said

....., or his order, at..... on or before the..... day of....., 19....., together with interest thereon at the rate of..... per centum per annum, and charges all his grain crops grown on the said lands with the payment thereof.

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

FORM B
(Section 4b)

I,....., of the..... of....., in the Province of Alberta, make oath and say:

1. That the following is a true statement of the amount, particulars and value of the harvesting advances I have made to..... of the..... of....., in the Province of Alberta, on the dates set out opposite each.

Date	Particulars	Value
	Total Amount	

2. That the foregoing (or annexed) crop mortgage note was executed in good faith and for good consideration as set forth in the foregoing (or annexed) crop mortgage note and not for the mere purpose of protecting the grain crops in respect of which the advances were made against the creditors of....., or for the purpose of preventing such creditors from recovering any claims which they have against the said.....

Sworn before me at..... }
in the..... of..... }
this..... day of..... }
19,..... }

.....
A Commissioner, etc.

No. 79.

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL
An Act Respecting Harvesting
Liens.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shultka, King's Printer
1 9 4 1