

The Threshers' Lien Act

being

Chapter T-13 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1979-80, c.44; 1980-81, c.83; and 2010, c.E-9.22.*

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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CHAPTER T-13

An Act respecting Threshers' Liens

SHORT TITLE

Short title

1 This Act may be cited as *The Threshers' Lien Act*.

LIEN

Nature of lien

2(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 the threshing until sixty days after the completion thereof, have a lien upon the grain for the purpose of securing payment of the 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 implement that both cuts and threshes grain, at or for a fixed price or rate of remuneration, shall, from the date of the commencement of the cutting until sixty days after the completion of the cutting and threshing, have a lien upon the grain for the purpose of securing payment of the price or remuneration.

(3) Such lien shall have priority over any judgment enforcement against the owner of the grain, and, subject to subsection (4), over all security agreements or conveyances made by him and over all rights of distress for rent reserved upon the land upon which the grain is grown, and the person performing the work of threshing, or cutting and threshing, or procuring the work to be done shall be deemed a purchaser for value of the grain that he takes by virtue of this Act.

(4) The lien created by subsection (3) does not take priority over a security agreement made, executed or created as security for the purchase price of seed grain.

(5) If the grain threshed, or cut and threshed, 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 when notice of the lien is given to the purchaser.

(6) If the grain threshed or cut and threshed is delivered by the owner to a person who advances money upon the security thereof, all advances made by that person *bona fide* before receiving notice of the thresher's lien shall take priority over the lien.

c. T-13**THRESHERS' LIEN****Power to take grain**

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

R.S.S. 1978, c.T-13, s.3.

Quantity of grain retained

4(1) The quantity of grain that may be so retained shall be sufficient quantity, computed as in subsection (2), to pay when sold 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 the same season.

(2) The value of any grain taken shall be the market value thereof at the nearest market, less 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 available market for hauling the grain to and delivering it at that market.

R.S.S. 1978, c.T-13, s.4; 1980-81, c.83, s.54.

SALE**Power to sell grain**

5 The person taking the necessary estimated quantity of grain 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 a fair market price.

R.S.S. 1978, c.T-13, s.5.

Proceeds of sale

6 The proceeds of sale shall be applied first in payment of the cost of transporting the grain to market as provided in subsection (2) of section 4, 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 his assigns.

R.S.S. 1978, c.T-13, s.6.

RETURNS**Threshers' returns**

7 Every person who threshes or cuts and threshes any grain shall from time to time as 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 so doing he is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

R.S.S. 1978, c.T-13, s.7.

Statement of grain threshed

8(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 the 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 the grain.

(2) If the thresher fails to give such statement on demand, he is guilty of an offence and liable on summary conviction to a fine of \$5 for every day during which the failure continues.

R.S.S. 1978, c.T-13, s.8.

