

The Seed Grain Advances Act

being

Chapter 206 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

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 206

An Act respecting Advances to Purchase Seed Grain

Short title

1 This Act may be cited as *The Seed Grain Advances Act*.

R.S.S. 1953, c.206, s.1.

Interpretation

2 In this Act:

“advance”

1. “**advance**” includes the mortgagee’s reasonable costs of making the same;

“owner”

2. “**owner**” means registered owner.

R.S.S. 1940, c.194, s.2; R.S.S. 1953, c.206, s.2.

Power of mortgagee to make advances

3 Any mortgagee of land in Saskatchewan may make advances of money to the owner of the mortgaged land or any part thereof to enable him to purchase seed grain.

R.S.S. 1940, c.194, s.3; R.S.S. 1953, c.206, s.3.

Tacking

4 Where the mortgagee makes such an advance, he may add the amount thereof to the amount secured by the mortgage, and such sum shall, notwithstanding anything contained in *The Land Titles Act*, and without registration in a land titles office, become, from the date of the advance, part of the moneys so secured and shall bear interest at the mortgage rate, shall be a charge upon the mortgaged land and have the like priority in the same manner as the other moneys so secured, and shall be payable on the first day of November of the year, hereinafter called the crop year, in which a crop produced by the grain purchased by the advance would in the ordinary course be harvested, or on such other day as may be specified in the application for the advance.

R.S.S. 1940, c.194, s.4; R.S.S. 1953, c.206, s.4.

Subsequent mortgagee

5 Where the land is subject to more than one mortgage, no subsequent mortgagee shall be entitled to the benefit of this Act who makes an advance without the consent of all prior mortgagees.

R.S.S. 1940, c.194, s.5; R.S.S. 1953, c.206, s.5.

Lien on crop

6(1) In addition to the rights given by section 4 the mortgagee shall have a lien and charge for the amount of such advance and interest upon all the crops grown upon the mortgaged land in the crop year, having priority over all other liens and charges except taxes and sums which may be collected in the same manner as taxes and the statutory lien, if any, created by *The Municipalities Seed Grain and Supply Act* for seed grain furnished in the preceding year.

(2) Where there exists under the provisions of *The Municipalities Seed Grain and Supply Act* a lien on the crops grown during the crop year, the mortgagee shall also have a first lien and charge upon the crops grown on the said land during the following year having priority over all other liens and charges, except taxes and sums which may be collected in the same manner as taxes.

(3) For the purposes of this section the amount secured by the lien hereby created shall become due and payable on the first day of November of the crop year or on the first day on which the owner shall commence to cut the crops grown on such land, whichever shall be earlier, and the mortgagee shall thereupon in addition to all other remedies have the right to seize and sell such crops in order to realize the amount secured by his seed grain lien.

R.S.S. 1940, c.194, s.6; R.S.S. 1953, c.206, s.6.

Offences

7(1) An owner who obtains an advance under the provisions of this Act, and who:

- (a) expends the advance otherwise than in the purchase of seed grain; or
- (b) sells or disposes of the seed grain purchased with the advance;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$500, or to imprisonment for a term not exceeding two years, or to both.

(2) An owner who obtains an advance under the provisions of this Act and who fails to sow in a husbandlike manner upon the land described in his application seed grain purchased with the advance is guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

(3) Prosecutions under this section may be had before any justice of the peace or police magistrate having jurisdiction in the place where the offence was committed or where the accused person resides.

R.S.S. 1940, c.194, s.7; R.S.S. 1953, c.206, s.7.

Protection of mortgagee

8 Where a mortgagee in good faith makes an advance mortgagee purporting to be under the provisions hereof, the securities of such mortgagee created by this Act shall not be prejudiced or impaired by any errors or misstatements in the application for the advance or in any verbal or written representations made to induce the mortgagee to make the advance, and no mortgagee shall be obliged to see to the application of the moneys advanced.

R.S.S. 1940, c.194, s.8; R.S.S. 1953, c.206, s.8.