

UNEDITED

The Chattel Mortgage Act

being

Chapter 200 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY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 200

An Act respecting Mortgages and Sales of Personal Property.

SHORT TITLE

Short title

1 This Act may be cited as *The Chattel Mortgage Act*.

R.S.S. 1909, c.144, s.1; R.S.S. 1920, c.200, s.1.

INTERPRETATION

Interpretation “Creditors”

2 In the application of this Act, the word “creditors” where it occurs shall extend to creditors of the mortgagor or bargainor suing on behalf of themselves and other creditors, as well as to creditors having executions against the goods and chattels of the mortgagor or bargainor in the hands of the sheriff.

1919–20, c.55, s.1; R.S.S. 1920, c.200, s.2.

REGISTRATION DISTRICTS

Registration districts

3 For the purpose of the registration of mortgages and other transfers of personal property in Saskatchewan, each judicial district shall be a registration district.

1919–20, c.55, s.1; R.S.S. 1920, c.200, s.3.

REGISTRATION CLERKS

Registration clerks and deputies

4 The Lieutenant Governor in Council may appoint a registration clerk and a deputy registration clerk for each registration district, who shall severally hold office during pleasure.

1919–20, c.55, s.1; R.S.S. 1920, c.200, s.4.

Deputy to act

5 In the event of a vacancy in the office of the registration clerk or of his illness or absence, the deputy registration clerk shall perform all the duties required of the registration clerk by this or any other Act.

1919–20, c.55, s.1; R.S.S. 1920, c.200, s.5.

Location of offices and office hours

6(1) The office of the registration clerk shall be at the judicial centre of each district and shall be kept open between the hours of ten in the forenoon and four in the afternoon on all days with the following exceptions:

- (a) on Sundays and holidays the office shall be closed; and

(b) on Saturdays and during the period of vacation prescribed by *The King's Bench Act* and the rules of court the office shall be closed at one o'clock in the afternoon.

(2) Registration shall be made during office hours only.

1919-20, c.55, s.1; R.S.S. 1920, c.200, s.6.

No clerk to draw documents

7 No registration clerk, deputy registration clerk, or clerk in the office of the registration clerk shall draw or prepare any document or conveyance which may be filed or registered in such office under the provisions of this or any other Act.

1919-20, c.55, s.1; R.S.S. 1920, c.200, s.7.

REGISTRATION WHERE NEW DISTRICT FORMED

Effect of establishing new districts

8(1) In the event of the establishment of a new judicial district all chattel mortgages relating to property within such district shall continue to be as valid and effectual in all respects as they would have been if the new district had not been established, and no chattel mortgage in force and filed at the date of the establishment of such new district shall lose its priority by reason of its not being filed in the office of the registration clerk of such new district prior to its renewal.

(2) In the event of a renewal of any such chattel mortgages after the establishment of the new district the renewal statement shall be filed in the office of the registration clerk of such new district together with a certified copy of the chattel mortgage to which such renewal statement relates and of any renewals thereof under the hand of the registration clerk in whose office the same were filed.

1919-20, c.55, s.1; R.S.S. 1920, c.200, s.8.

MORTGAGES AND SALES OF CHATTELS, FORM AND REGISTRATION

Mortgages unaccompanied by delivery and change of possession of goods

9(1) Every mortgage or conveyance intended to operate as a mortgage of goods and chattels which is not accompanied by an immediate delivery and an actual and continued change of possession of the things mortgaged shall within thirty days from the execution thereof be registered as hereinafter provided together with:

(a) an affidavit of a witness thereto of the due execution thereof, giving the date of the execution;

(b) an affidavit of the mortgagee or one of several mortgagees or the agent of the mortgagee or mortgagees, if such agent is aware of all the circumstances connected therewith and is properly authorised by power in writing to take such mortgage and a copy of such authority is attached thereto (except as provided under section 27) stating:

(i) that the mortgager therein named is justly and truly indebted to the mortgagee in the sum mentioned in the mortgage;

(ii) that it was executed in good faith and for the express purpose of securing the payment of money justly due or accruing due and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagor, or of preventing the creditors of such mortgagor from obtaining payment of any claim against him.

(2) Every such mortgage or conveyance shall operate and take effect upon from and after the time of the filing thereof.

R.S.S. 1909, c.144. s.7; 1915, c.43. s.24(2)
(redrawn); R.S.S. 1920, c.200, s.9.

Mortgage given to secure bonds or debentures

10(1) In the case of a mortgage or conveyance of goods and chattels of any incorporated company made to a bondholder or bondholders or to a trustee or trustees for the purpose of securing the bonds or debentures of such company instead of the affidavit of *bona fides* required by section 9 it shall be sufficient if an affidavit is filed made by the mortgagee or one of the mortgagees to the effect that the said mortgage or conveyance was executed in good faith and for the express purpose of securing the payment of the bonds or debentures referred to therein and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagors or of preventing the creditors of such mortgagors from obtaining payment of any claim against them.

(2) Any such mortgage may be renewed in the manner and with the effect provided by section 22 and subsequent sections of this Act upon the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the said mortgage, and showing the amount of the bond or debenture debt which the same was made to secure and all payments on account thereof which to the best of the information and belief of the person making such statement have been made or of which he is aware together with an affidavit of the person making such statement that the statement is true to the best of his knowledge, information and belief and that the mortgage has not been kept on foot for any fraudulent purpose; and such statement shall be filed instead of the statement required by the said section 22.

(3) If any mortgage as aforesaid is made to an incorporated company the several affidavits and statements herein mentioned may be made by the president, vice president, manager or assistant manager of such incorporated company or any other officer of the company authorised for such purpose, in which latter case such authority or a copy thereof shall be filed with the affidavits.

(4) Where such mortgage or conveyance is made as a security for bonds or debentures and the bylaw authorising the issue of the bonds or debentures as a security for which the mortgage or conveyance was made or a copy thereof certified under the hand of the president or vice president and the secretary of the company and verified by an affidavit of the secretary thereto attached or indorsed thereon and having the corporate seal attached thereto is registered with the mortgage or conveyance it shall not be necessary to renew the said mortgage or conveyance but the same shall in such case continue to be as valid as if the same had been duly renewed as in this Act provided.

R.S.S. 1909; c.144, s.8; 1919-20, c.55, s.2; R.S.S. 1920, c.200, s.10.

Mortgage form

11 Except as provided in section 12 a mortgage or conveyance intended to operate as a mortgage of goods and chattels may be made in accordance with form A.

R.S.S. 1909, c.144, s.9; R.S.S. 1920, c.200, s.11.

Mortgage to secure future advances or to indemnify indorsers

12(1) The following mortgages, if executed in good faith and setting forth fully by recital or otherwise the terms or nature and effect of the agreement and the amount of liability intended to be created, and if registered as hereinafter provided within thirty days from the execution thereof, shall be as valid and binding as mortgages given under section 9:

- (a) a mortgage of goods and chattels for securing the mortgagee repayment of advances given in pursuance of an agreement in writing for future advances for the purpose of enabling the borrower to enter into and carry on business with such advances;
 - (b) a mortgage of goods and chattels for securing the mortgagee against the indorsement of any bills of exchange or promissory notes or other liability by him incurred for the mortgagor not extending for a longer period than two years from the date of the mortgage.
- (2) Such mortgages shall be accompanied by:
- (a) an affidavit of a witness thereto of the due execution thereof; and
 - (b) an affidavit of the mortgagee or one of several mortgagees or of an agent, in case the agreement has been entered into and the mortgage taken by an agent duly authorised in writing to make such agreement and take such mortgage, and in case a copy of such authority is attached thereto, and the agent is aware of the circumstances connected therewith, stating:
 - (i) that the mortgage truly sets forth the agreement entered into between the parties thereto and truly states the extent of the liability intended to be created by such agreement and covered by such mortgage; and
 - (ii) that such mortgage is executed in good faith and for the express purpose of securing the mortgagee repayment of his advances or against the payment of the amount of his liability for the mortgagor, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the creditors of the mortgagor nor to prevent such creditors from recovering any claims which they may have against such mortgagor.

R.S.S. 1909, c.144, s.10 (redrawn); R.S.S. 1920, c.200, s.12.

Sale of goods not attended by delivery and change of possession

13(1) Every sale, assignment and transfer of goods and chattels not accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods and chattels sold, and every assignment by any retail merchant or trader of book debts, accounts or debts to be incurred shall be in writing and such writing shall be a conveyance under the provisions of this Act and shall be accompanied by an affidavit of a witness thereto of the due execution thereof and an affidavit of the bargainee or one of several bargainees or of the agent of the bargainee or bargainees duly authorised in writing to take such conveyance (a copy of which authority shall be attached to the conveyance) that the sale or the assignment by any retail merchant or trader of book debts, accounts or debts to be incurred is *bona fide* and for good consideration as set forth in the said conveyance and not for the purpose of holding or enabling the bargainee to hold the goods, book debts, accounts or debts to be incurred mentioned therein against the creditors of the bargainer; and such conveyance and affidavits shall be registered as hereinafter provided within thirty days from the execution thereof otherwise the sale shall be absolutely void as against the creditors of the bargainer and as against subsequent purchasers or mortgagees in good faith.

(2) Such affidavit shall further state that the goods or chattels covered by such conveyance are not sold in bulk within the meaning of *The Bulk Sales Act*; or in case of a sale in bulk, such conveyance shall be further accompanied by an affidavit of the bargainer setting forth a complete list of his creditors, or by the written waiver referred to in clause 1 of section 6 of the said Act.

R.S.S. 1909, c.144, s.11; 1912-13, c.46, s.35;
1915, c.43, s.24(3); R.S.S. 1920, c.200, s.13.

Affidavit and renewal unnecessary in certain cases

14 Where a mortgage or conveyance intended to operate as a mortgage of goods and chattels, or any sale, assignment or transfer of goods and chattels, book debts, accounts or debts to be incurred, is made in favour of His Majesty, it shall not be necessary for the mortgagee or bargainee or his agent to make the affidavit of *bona fides* required by this Act, and the provisions of this Act with respect to renewal shall not apply to such mortgages or conveyances.

1919-20, c.55, s.3; R.S.S. 1920, c.200, s.14.

Registration only affects district where made

15 A mortgage or conveyance or bill of sale registered under this Act shall only have effect in the registration district wherein such registration has been made.

R.S.S. 1909, c.144, s.12 (redrawn); R.S.S. 1920, c.200, s.15.

Omission to register or false statement of consideration

16 In case such mortgage or conveyance and affidavits are not registered as hereinbefore provided or in case the consideration for which the same is made is not truly expressed therein the mortgage or conveyance shall be absolutely null and void as against creditors or the mortgagor and against subsequent purchasers or mortgagees in good faith for valuable consideration whose conveyances or mortgages have been duly registered or are valid without registration.

R.S.S. 1909, c.144, s.13; 1915, c.43, s.24(4);
R.S.S. 1920, c.200, s.16.

Description of property

17 All the instruments mentioned in this Act whether for the mortgage, sale, assignment or transfer of goods and chattels, book debts, accounts or debts to be incurred shall set forth the names, surnames, additions and post office addresses of all the parties thereto and shall contain such sufficient and full description of such goods and chattels that the same may be readily and easily known and distinguished.

R.S.S. 1909, c.144, s.14; R.S.S. 1912-13, c.46, s.35(3); R.S.S. 1920, c.200, s.17.

Registration in district where property situate

18 The proper registration officer for instruments being mortgages and transfers of personal property shall be the clerk of the registration district in which the property described in the mortgage or transfer is at the time of the execution of the instrument or in case of a sale, assignment or transfer of book debts or accounts the clerk of the registration district in which the vendor, assignor or transferor carries on business; such registration clerks shall file all such instruments presented to them respectively for that purpose and shall indorse thereon the time of receiving the same in their respective offices and the same shall be kept there for the inspection of the public subject to the payment of the proper fees.

R.S.S. 1909, c.144, s.15; 1912-13, c.46, s.35(4);
R.S.S. 1920, c.200, s.18.

Clerk to register instruments

19 Every such clerk shall number each instrument or copy filed in his office and shall enter in alphabetical order in a book to be provided by him the name of the mortgagor in each such instrument with the number indorsed thereon opposite to each name.

R.S.S. 1909, c.144, s.16; R.S.S. 1920, c.200, s.19.

CONVEYANCES OF GROWING OR FUTURE CROPS

Securities on crops and supplies

20(1) No mortgage, bill of sale, lien, charge, incumbrance, conveyance, transfer or assignment made, executed or created and which is intended to operate and have effect as a security shall in so far as the same assumes 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 a security for the purchase price and interest thereon of seed grain or for meat, groceries, flour, clothing or binder twine.

(2) Every mortgage or incumbrance upon growing crops or crops to be grown, made or created to secure the purchase price of seed grain shall be held to be within the provisions of this Act and the affidavit of *bona fides* among the other necessary allegations shall contain a statement that the same is taken to secure the purchase price of seed grain.

(3) No mortgage or incumbrance 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 mortgage or incumbrance.

- (4) Every registration clerk shall be entitled to receive the same fees for his services as provided for under section 39.
- (5) No such seed grain mortgage so taken and filed shall be affected by or subject to any chattel mortgage or bill of sale previously given by the mortgagor or by any writ of execution against the mortgagor in the hands of the sheriff at the time of the registration of such seed grain mortgage but such seed grain mortgage shall be a first and preferential security for the sum therein mentioned; the date of the purchase of seed grain, the number of bushels purchased and the price thereof per bushel shall be stated in the mortgage as well as in the affidavit of *bona fides*.
- (6) Mortgages or incumbrances upon growing crops or crops to be grown may be given, to the extent of \$250 in the aggregate of all such mortgages or incumbrances upon the crops of a quarter section or \$350 in such aggregate upon the crops of a half section or of any greater quantity of land, as security for the purchase price and interest thereon of meat, groceries, flour, clothing, or binder twine.
- (7) Every mortgage or incumbrance given under subsection (6) shall be held to be within the provisions of this Act, and the affidavit of *bona fides* shall, among the other necessary allegations, contain a statement that the same is taken to secure the purchase price of food or supplies, specifying the nature of such food or supplies.
- (8) Nothing in subsections (6) and (7) contained shall derogate from the priority above conferred upon seed grain mortgages, or from the priority given to seed grain advances under any Act respecting advances to purchase seed grain, but, subject to such priorities, a mortgage or incumbrance taken under subsection (6) shall not be affected by any incumbrance whenever created or by any writ of execution against the mortgagor in the hands of the sheriff at the time of its registration, but such mortgage or incumbrance shall create a preferential lien next in priority after seed grain mortgages or seed grain advances as above mentioned.
- (9) No mortgage or incumbrance taken under subsection (6) shall be valid if any part of the indebtedness thereby secured was incurred prior to the first day of April, 1916.

R.S.S. 1909, c.144, s.17; 1916, c.37, s.22;
1918-19, c.60, s.1; R.S.S. 1920, c.200, s.20.

PROCEDURE UNDER MORTGAGE ON DEFAULT

Causes for seizure by mortgagee

21 Unless it is otherwise specially provided therein goods and chattels assigned under a mortgage or conveyance intended to operate as a mortgage of goods and chattels shall be liable to be seized or taken possession of by the grantee for any of the following causes:

1. If the grantor shall make default in payment of the sum or sums of money thereby secured at the time therein provided for payment or in the performance of any covenant or agreement contained in the mortgage or conveyance intended to operate as a mortgage and necessary for maintaining the security;
2. If the grantor shall without the written permission of the grantee either remove or suffer the goods or any of them to be removed from the registration district within which they are situate;
3. If the grantor shall suffer the said goods or any of them to be distrained for rent, rates or taxes or shall suffer the said goods or any of them to be liable to seizure for rent by reason of default of the grantor in paying the same when due;

4. If execution shall have been levied against the goods of the grantor under any judgment at law;
5. If the grantor shall attempt to sell or dispose of or in any way part with the possession of the said goods.

R.S.S. 1909, c.144, s.18; R.S.S. 1920, c.200, s.21.

RENEWAL OF MORTGAGES

Not valid unless renewed

22 Every mortgage or conveyance intended to operate as a mortgage filed in pursuance of this Act shall cease to be valid as against the creditors of the persons making the same and against subsequent purchasers or mortgages in good faith for valuable consideration after the expiration of two years from the filing thereof unless within thirty days next preceding the expiration of the said term of two years a statement exhibiting the interest of the mortgagee, his executors, administrators or assigns in the property claimed by virtue thereof and a full statement of the amount still due for principal and interest thereon and of all payments made on account thereof is filed in the office of the registration clerk of the district where the mortgage is filed with an affidavit of the mortgagee or of one of several mortgagees or of the assignee or one of several assignees or of the agent of the mortgagee or assignee or mortgagees or assignees duly authorised for that purpose, as the case may be, stating that such statements are true and that the said mortgage or conveyance has not been kept on foot for any fraudulent purpose which statement and affidavit shall be deemed one instrument.

R.S.S. 1909, c.144, s.19; 1919–20, c.55, s.4;
R.S.S. 1920, c.200, s.22.

Statement and affidavit

23 Such statement and affidavit shall be in the following form, or to the like effect:

Statement exhibiting the interest of *C. D.* in the property mentioned in the chattel mortgage dated the _____ day of _____ 19____, made between *A. B.* of _____ of the one part and *C. D.* of _____ of the other part and filed in the office of the registration clerk of the registration district of _____ (*as the case may be*) on the _____ day of _____ 19____, and of the amount due for principal and interest thereon and of all payments made on account thereof.

The said *C. D.* is still the mortgagee of the said property and has not assigned the said mortgage (or the said *E. F.* is the assignee of the said mortgage by virtue of an assignment thereof from the said *C. D.* to him dated the _____ day of _____ 19____, *or as the case may be*).

No payments have been made on account of the said mortgage (*or the following payments and no other have been made on account of the said mortgage:*
_____ 19____.—Jan. 1—Cash received _____ \$ _____)

The amount still due for principal and interest on the said mortgage is the sum of _____ dollars computed as follows:

(Here give the computation.)

C. D.

CHATTEL MORTGAGES

c. 200

Province of Saskatchewan.

To wit:

I, _____ of _____, the mortgagee named in the chattel mortgage mentioned in the foregoing (*or* annexed) statement (*or* assignee of _____ the mortgagee named in the chattel mortgage mentioned in the foregoing *or* annexed statement, *as the case may be*) make oath and say:

1. That the foregoing (*or* annexed) statement is true:
2. That the chattel mortgage mentioned in the said statement has not been kept on foot for any fraudulent purpose.

Sworn before me at _____
 in the Province of Saskatchewan }
 this _____ day of _____ 19__.

R.S.S. 1909, c.144, s.20; R.S.S. 1920, c.200, s.23.

Further renewal yearly

24 Another statement in the form provided in section 23, duly verified as required by that section, shall be filed in the office of the registration clerk of the district where the mortgage is filed, within thirty days next preceding the expiration of the term of one year from the day of filing the statement required by section 22 and in default thereof such mortgage shall cease to be valid as against the creditors of the person making the same and as against purchasers and mortgagees in good faith for valuable consideration and so on from year to year; that is to say another statement as aforesaid duly verified shall be filed within thirty days next preceding the expiration of one year from the day of the filing of the former statement and in default thereof such mortgage shall cease to be valid as aforesaid.

R.S.S. 1909, c.144, s.21; 1919–20, c.55, s.5;
 R.S.S. 1920, c.200, s.24.

Registration of statement and affidavit

25 Where there has been a permanent removal of the goods and chattels, as mentioned in section 35, and a certified copy of the mortgage has been registered as required by that section, the statement and affidavit mentioned in sections 22, 23 and 24 shall be registered in the office in which such certified copy is registered, and the period of two years mentioned in section 22 and of one year mentioned in section 4 shall be reckoned from the date of the registration of such certified copy.

1919–20, c.55, s.6; R.S.S. 1920, c.200, s.25.

By whom affidavit made

26 The affidavit required by section 23 may be made by any next of kin, executor or administrator of any deceased mortgagee or by an assignee claiming by or through any mortgagee or any next of kin, executor or administrator of any such assignee; but if the affidavit is made by any assignee, next of kin, executor or administrator of any such assignee the assignment or the several assignments through which such assignee claims shall be filed in the office in which the mortgage is originally filed at or before the time of the filing of such affidavit by such assignee, next of kin, executor or administrator of such assignee.

R.S.S. 1909, c.144, s.22; R.S.S. 1920, c.200, s.26.

AGENT'S AUTHORITY TO TAKE CONVEYANCES

Authority may be general

27 An authority for the purpose of taking or renewing a mortgage or conveyance intended to operate as a mortgage or sale, assignment or transfer of goods and chattels, book debts, accounts or debts to be incurred under the provisions of this Act may be a general one to take and renew all or any mortgages or conveyances to the mortgagee or bargainee; and provided such general authority is duly filed with the clerk it shall not be necessary to attach a copy thereof to any mortgage filed.

R.S.S. 1909, c.144, s.3; 1912-13, c.46, s.35(5);
R.S.S. 1920, c.200, s.27.

Affidavits by company officer

28 In the case of a mortgage or sale of goods, or in case of a sale, assignment or transfer of book debts, accounts or debts to be incurred to a corporation, the affidavit of *bona fides* required by this Act, and the affidavit required upon the renewal of a chattel mortgage may be made and a certificate of discharge or partial discharge of any such mortgage may be signed by the President, vice president, manager, assistant manager, secretary or treasurer of such corporation or by any other officer or agent of the corporation duly authorised by resolution of the directors in that behalf, or if the head office of the corporation is outside Saskatchewan then the said affidavit may be made by any general or local manager, secretary or agent of the corporation within Saskatchewan; any such certificate so signed shall be a valid and effectual discharge or partial discharge without the seal of the said corporation being affixed thereto. Any such affidavit by an officer or agent shall state that the deponent is aware of the circumstances connected with the sale or mortgage, as the case may be, and has a personal knowledge of the facts deposed to.

1913, c.67, s.22; 1914, c.20, s.7; R.S.S. 1920,
c.200, s.28.

OMISSIONS AND ERRORS

Rectification

29 Subject to the rights of third persons accrued by reason of such omissions as are hereinafter defined any judge of the Court of King's Bench or of the district court of the judicial district within which such goods and chattels are situated on being satisfied that the omission to register a mortgage or other transfer of personal property or any authority to take or renew the same or any statement and affidavit of renewal thereof within the time prescribed by this Act or the omission or misstatement of the name, residence or occupation of any person was accidental or due to inadvertence or impossibility in fact, may in his discretion order such omission or misstatement to be rectified by the insertion in the register of the true name, residence or occupation or by extending the time for such registration on such terms and conditions, if any, as to security, notice by advertisement or otherwise or as to any other matter as he thinks fit to direct.

R.S.S. 1909, c.144, s.25; R.S.S. 1920, c.200, s.29.

ASSIGNMENT OF MORTGAGES

Filing

30 In case any registered chattel mortgage has been assigned such assignment may upon proof by the affidavit of a subscribing witness be numbered and entered in the book mentioned in section 19 in the same manner as a chattel mortgage and the proceedings authorised by sections 32 and 33 of this Act may and shall be had upon a certificate of the assignee proved in manner aforesaid.

R.S.S. 1909, c.144, s.26; 1917, c.34, s.20; R.S.S. 1920, c.200, s.30.

DISCHARGE OF MORTGAGES

Discharge

31 When any mortgage of goods and chattels is registered under the provisions of this Act such mortgage may be discharged by the filing in the office in which the same is registered of a certificate signed by the mortgagee, his executors or administrators (form B).

R.S.S. 1909, c.144, s.27; R.S.S. 1920, c.200, s.31.

Entry and indorsement

32 The officer with whom such chattel mortgage is filed upon receiving such certificate duly proved by the affidavit of a subscribing witness shall at each place where the number of such mortgage has been entered with the name of any of the parties thereto in the book kept under section 19 or wherever otherwise in the said book the said mortgage has been entered, write the words "Discharged by certificate number (stating the number of certificate)"; and he shall also indorse the fact of such discharge upon the instrument discharged and shall affix his name to such indorsement.

R.S.S. 1909, c.144, s.28; R.S.S. 1920, c.200, s.32.

Certificate

33 Any person filing a discharge of mortgage or a partial discharge of mortgage as aforesaid shall be entitled to ask for and receive from such clerk a certificate (other than the certificate which might be indorsed on a copy or duplicate of the mortgage as aforesaid) of such discharge or partial discharge in the form following or to the like effect:

Province of Saskatchewan,
Registration District of _____ }
}

This is to certify that an instrument purporting to be a discharge in full (or a partial discharge) of a certain chattel mortgage bearing date the _____ day of _____ and filed the _____ day of _____ following made between *A. B.* of _____ as mortgagor and *C. D.* of _____ as mortgagee has been filed in the office of the clerk of the registration district of _____ on the _____ day of _____ (and in the case of a partial discharge that the goods or property mentioned in such partial discharge consist of _____ describing the chattel or property).

E. M.
Clerk.

R.S.S. 1909, c.144, s.29; R.S.S. 1920, c.200, s.33.

REMOVAL OF CHATTELS MORTGAGED

Mortgaged goods not removed without notice

34(1) No goods or chattels under mortgage shall be removed into another registration district without a notice of the intention to remove being mailed post paid and registered to the mortgagee at his last known place of address not less than twenty days prior to such removal.

(2) Any person violating this section shall be liable to a penalty not exceeding \$100.

R.S.S. 1909, c.144, s.30; 1915, c.43, s.24(5);
R.S.S. 1920, c.200, s.34.

Removal to another district

35(1) In the event of the permanent removal of goods and chattels mortgaged as aforesaid from the registration district in which they were at the time of the execution of the mortgage to another registration district before the payment and discharge of the mortgage a certified copy of such mortgage under the hand of the registration clerk in whose office it was first registered and of the affidavit and documents and instruments relating thereto filed in such office shall be filed with the registration clerk of the district to which such goods and chattels are removed within three weeks from such removal otherwise the said goods and chattels shall be liable to seizure and sale under execution and in such case the mortgage shall be null and void as against subsequent purchasers and mortgages in good faith for valuable consideration as if never executed.

Removal into Saskatchewan

(2) In the event of the permanent removal into Saskatchewan of goods and chattels subject to a mortgage or bill of sale made, executed or created without Saskatchewan from a place in which they were at the time of the execution of said mortgage or bill of sale a copy thereof and of the affidavit and documents and instruments relating thereto proved to be a true copy by the affidavit of some person who has compared the same with the originals shall be filed with the registration clerk of the district to which such goods and chattels are removed within three weeks from such removal otherwise the mortgagee or bargainee shall not be permitted to set up any right of property or right of possession to said goods and chattels against the creditors of the mortgagor or bargainor or against subsequent purchasers or mortgagees in good faith for valuable consideration.

R.S.S. 1909, c.144, s.31; R.S.S. 1920, c.200, s.35.

EVIDENCE—CERTIFIED COPIES

Certified copies

36 Copies of any instrument filed under this Act certified by the registration clerk or the Registrar of Joint Stock Companies shall be received as *prima facie* evidence for all purposes as if the original instrument was produced and also as *prima facie* evidence of the execution of the original instrument according to the purport of such copy and the clerk's or registrar's certificate shall also be *prima facie* evidence of the date and hour of registration and filing.

R.S.S. 1909, c.144, s.32; R.S.S. 1920, c.200, s.36.

AFFIDAVITS

Oaths

37(1) All affidavits and affirmations required by this Act may be taken and administered by the registration clerk or his deputy or any person whether in or out of Saskatchewan authorised to administer oaths or take affidavits for use in Saskatchewan and the sum of twenty-five cents shall be payable for every oath thus administered.

(2) Where a document has been executed by a corporation under the provisions of this Act no affidavit of attestation or execution shall be required to accompany such document for the purposes of registration.

R.S.S. 1909, c.144, s.33; 1913, c.67, s.23; R.S.S. 1920, c.200, s.37.

EXPIRY ON HOLIDAY OF TIME FOR FILING

Expiry on Sunday or holiday

38 Where under any provisions of this Act the time for registering or filing any mortgage, bill of sale, instrument, document, affidavit or other paper expires on a Sunday or other day on which the office in which the registering or filing is to be made or done is closed and by reason thereof the filing or registering cannot be made or done on that day the registering or filing shall so far as regards the time of doing or making the same be held to be duly done or made if done or made on the day on which the office shall next be open.

R.S.S. 1909, c.114, s.34; R.S.S. 1920, c.200, s.38.

CLERKS' FEES

Fees

39 For services under this Act each registration clerk shall be entitled to receive the following fees:

1. For each filing including stamping duplicate original, if any, with registration stamp, 50 cents;
2. For filing each assignment, renewal statement or certificate of discharge and for making all proper indorsements in connection therewith, 50 cents;
3. For searching each name, 50 cents;
4. For each certificate or abstract of search, 25 cents;
5. For each certificate under section 31, 50 cents;
6. For copies of any document filed under this Act, with certificate thereof, every 100 words, 10 cents.

R.S.S. 1909, c.144, s.35; R.S.S. 1920, c.200, s.39.

Railway equipment

40 In the case of a bill of sale or of a mortgage or conveyance for the purpose of securing bonds or debentures made by an incorporated company of cars, equipment, rolling stock and other chattel property owned by it it shall be sufficient for the purpose of this Act if the bill of sale, mortgage or conveyance or a notarial copy thereof be filed in tht office of the Registrar of Joint Stock Companies within the time limited by this Act for filing chattel mortgages; such bill of sale, mortgage or conveyance shall have priority from the date of filing and such mortgage or conveyance shall remain in force without the necessity of renewal or of any affidavits of execution or *bona fides* until the same has been discharged and satisfied; and discharge of such mortgage or conveyance may be registered in such office.

R.S.S. 1909, c.144. s.36 (in part); R.S.S. 1920, c.200, s.40.

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SCHEDULE

FORM A

(Section 11)

MORTGAGE OF CHATTELS

This indenture made the _____ day of _____ 19___ between A. B., of _____ of the one part and C.D. of _____ of the other part.

Witnesseth that in consideration of the sum of \$ _____ now paid to A. B. by C. D. the receipt of which the said A. B. hereby acknowledges (*or whatever else the consideration may be*) he the said A. B. doth hereby assign to the said C. D. his executors, administrators and assigns all and singular the several chattels and things specifically described as follows (*or in the schedule hereto annexed*) by way of security for the payment of the sum of \$ _____ and interest thereon at the rate of _____ per cent. per annum (*or whenever else may be the rate*) and the said A. B. doth further agree and declare that he will duly pay to the said C. D. the principal sum aforesaid together with the interest then due on the _____ day of _____ 19___ (*or whatever else may be the stipulated time or times for payment*). And the said A. B. doth agree with the said C. D. that he will (*here insert terms as to insurance, payment of rent, collateral securities or otherwise which the parties may agree to for the maintenance or defeasance of the security*):

Provided always that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said C. D. for any cause other than those specified in section 21of *The Chattel Mortgage Act* except as is otherwise specially provided herein.

In witness whereof the said A. B. has hereunto set his hand and seal.

Signed and sealed by the said
A. B. in the presence of me
E. F.
(Add name, address and
occupation of witness.)



A. B.

CHATTEL MORTGAGES

c. 200

FORM B

(Section 31)

DISCHARGE OF CHATTLE MORTGAGE

To the registration clerk of the registration district of _____

I, *A. B.*, of _____ do certify that _____ has satisfied all money due on or to grow due on a certain chattel mortgage made by _____ to _____ which mortgage bears date the _____ day of _____ 19____ and was registered (*or in case the mortgage has been renewed* was renewed) in the office of the registration clerk of the registration district of _____ on the _____ 19____ as number _____ (*here mention the day and date of registration of each assignment thereof and the names of the parties or mention that such mortgage has not been assigned as the fact may be*) and that I am the person entitled by law to receive the money; and that such mortgage is therefore discharged.

Witness my hand this _____ day of _____ 19____.

Witness (*stating residence and occupation*)

E. F.

}

A. B.

FOR HISTORICAL REFERENCE ONLY