

UNEDITED

# *The Bills of Sale Act*

*being*

Chapter 357 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FOR HISTORICAL REFERENCE ONLY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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### SCHEDULE

## CHAPTER 357

### An Act to make Uniform the Law respecting Bills of Sale and Chattel Mortgages

#### Short title

1 This Act may be cited as *The Bills of Sale Act*.

R.S.S. 1953, c.357, s.1.

#### Interpretation

2 In this Act:

##### “bill of sale”

1. “**bill of sale**” means a document in writing in conformity with this Act evidencing a sale or a mortgage, but does not include a bill of lading, a warehouse receipt, a warrant or order for the delivery of goods, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize the possessor of the document to transfer, either by endorsement or delivery, or receive goods thereby represented;

##### “change of possession”

2. “**change of possession**” means such change of possession as is open and reasonably sufficient to afford public notice thereof;

##### “chattels”

3. “**chattels**” means goods and chattels capable of complete transfer by delivery, and includes when separately assigned or charged, fixtures and growing crops; but does not include chattel interests in real property or fixtures when assigned together with a freehold or leasehold interest in any land or building to which they are affixed; or growing crops, when assigned together with any interest in the land on which they grow; or a ship or vessel registered under the provisions of the Canada Shipping Act or the Merchant Shipping Act, 1894, and amending Acts or any share in such ship or vessel; or shares or interests in the stock, funds, or securities of a Government, or in the capital of a corporation; or book debts or other choses in action;

##### “creditors”

4. “**creditors**” means creditors of the grantor, whether execution creditors or not, who become creditors before the registration of a bill of sale, or before the registration of a renewal statement, as the case may be, and, for the purpose of enforcing the rights of such creditors but not otherwise includes a creditor suing on behalf of himself and other creditors, an assignee for the general benefit of creditors, a trustee under the *Bankruptcy Act (Canada)* and a liquidator of a company under the *Winding-up Act (Canada)* or under a provincial Act containing provisions for the winding-up of companies, without regard to the time when the creditor so suing becomes a creditor, or when the assignee, trustee or liquidator is appointed;

##### “grantee”

5. “**grantee**” includes the bargainee, assignee, transferee, mortgagee or other person to whom a bill of sale is made;

##### “grantor”

6. “**grantor**” includes the bargainor, assignor, transferor, mortgagor or other person by whom a bill of sale is made;

**“mortgage”**

7. **“mortgage”** includes an assignment, transfer, conveyance, declaration of trust without transfer, or other assurance of chattels, intended to operate as a mortgage or pledge of chattels, or a power or authority or licence to take possession of chattels as security, or an agreement, whether intended or not to be followed by the execution of any other instrument, by which a right in equity to a charge or security on any chattels is conferred, but does not include:

- (a) a mortgage or charge, whether specific or floating, of chattels, created by a corporation, and contained:
  - (i) in a trust deed or other instrument to secure bonds, debentures or debenture stock of the corporation or any other corporation; or
  - (ii) in any bonds, debentures or debenture stock of the corporation as well as in the trust deed or other instrument securing the same, or in a trust deed or other instrument securing bonds, debentures or debenture stock of any other corporation; or
  - (iii) in any bonds, debentures or debenture stock or any series of bonds or debentures of the corporation or of any other corporation not secured by a separate instrument;
- (b) security taken by a bank under section 88 of the *Bank Act (Canada)*;
- (c) a power of distress contained in a mortgage of real property;

**“proper officer”**

8. **“proper officer”** means the officer in whose office bills of sale are required to be registered in a registration district;

**“registered”**

9. **“registered”** means filed in accordance with the provisions of this Act;

**“registration district”**

10. **“registration district”** means a district for the registration of bills of sale established under this Act;

**“sale”**

11. **“sale”** includes a sale, assignment, transfer, conveyance, declaration of trust without transfer or other assurance not intended to operate as a mortgage, of chattels, or an agreement, whether intended or not to be followed by the execution of any other instrument, by which a right in equity to any chattels is conferred, but does not include:

- (a) an assignment for the general benefit of the creditors of the person making the assignment;
- (b) a transfer or sale of goods in the ordinary course of any trade or calling;
- (c) a conditional sale within the meaning of *The Conditional Sales Act*, or an assignment of a conditional sale;

**“subsequent purchasers or mortgagees”**

12. **“subsequent purchasers or mortgagees”** means persons to whom chattels are conveyed or mortgaged:

- (a) after the making of a sale or mortgage mentioned in section 3;
- (b) after the making of the mortgage mentioned in sections 11, 12 and 13;

as the case may be.

**Sale or mortgage to be evidenced by a registered bill of sale**

3 Every sale or mortgage which is not accompanied by an immediate delivery and an actual and continued change of possession of the chattels sold or mortgaged shall be absolutely void as against creditors and as against subsequent purchasers or mortgagees claiming from or under the grantor in good faith, for valuable consideration and without notice, whose conveyances or mortgages have been duly registered or are valid without registration, unless the sale or mortgage is evidenced by a bill of sale duly registered; and the sale or mortgage, and the bill of sale, if any, evidencing the sale or mortgage, shall, as against creditors and such subsequent purchasers or mortgagees, take effect only from the time of the registration of the bill of sale.

R.S.S. 1940, c.288, s.3; R.S.S. 1953, c.357, s.3.

**Schedule, defeasance or trust to be part of bill of sale**

4(1) Every schedule annexed to a bill of sale or referred to therein shall be deemed to be a part of the bill of sale, and shall be registered therewith.

(2) If a bill of sale is subject to a defeasance, condition or trust, the terms of the defeasance, condition or trust shall be set forth in the bill of sale or in a schedule annexed thereto or referred to therein.

R.S.S. 1940, c.288, s.4; R.S.S. 1953, c.357, s.4.

**Description of chattels**

5 Every bill of sale shall contain such sufficient and full description of the chattels comprised therein that the same may be thereby readily and easily known and distinguished and the description of a motor vehicle within the meaning of *The Vehicles Act* or a machine designed for navigation of the air shall include the serial number of the vehicle or machine.

R.S.S. 1940, c.288, s.4; 1953, c.109, s.2; R.S.S. 1953, c.357, s.5.

**Time and place of registration**

6(1) Subject to subsection (3) registration of a bill of sale under this Act shall be effected by filing the bill of sale, together with the affidavits required by this Act, within thirty days from the date of its execution, in the office of the proper officer of the registration district in which the chattels comprised in the bill of sale are situated at the date of the execution of the bill of sale. If there are two or more grantors, the date of execution of the bill of sale shall be deemed to be the date of the execution by the grantor who last executes it.

(2) If the chattels comprised in the bill of sale are situated partly in one registration district and partly in another or other registration district or districts, registration may be effected by filing the bill of sale and affidavits in one registration district, and by filing a duplicate original of the bill of sale and affidavits, or a copy thereof certified by the proper officer of that registration district, in the other or each other registration district.

(3) If the bill of sale comprises a motor vehicle within the meaning of *The Vehicles Act*, a machine designed for navigation of the air or any gas or oil well drilling equipment registration shall be effected:

(a) by filing the bill of sale, together with the affidavits required by this Act, within the period mentioned in subsection (1), in the office of the proper officer of the registration district of Regina; and

(b) where the chattels comprised in the bill of sale are situated in a registration district, or partly in a registration district or districts, other than the registration district of Regina, by also filing a duplicate original of the bill of sale and affidavits, or a copy thereof certified by the proper officer of the registration district of Regina, within the period mentioned in subsection (1), in the other or each other registration district.

(4) The proper officer shall cause every bill of sale, or copy thereof, filed in his office, to be numbered and shall endorse thereon the time of registering the same and shall enter in alphabetical order in a register kept by him the name of the grantor of each such instrument with the number endorsed thereon opposite to each name.

R.S.S. 1940, c.288, s.6; 1953, c.109, s.3;  
R.S.S. 1953, c.357, s.6.

#### **Affidavit of execution**

7 Except as provided by section 24 every bill of sale presented for registration shall be accompanied by an affidavit of an attesting witness, or affidavits of attesting witnesses, of the execution thereof by the grantor or by the grantors respectively, identifying the bill of sale and stating the date of execution by the grantor or the respective dates of execution by the grantors.

R.S.S. 1940, c.288, s.7; R.S.S. 1953, c.357, s.7.

#### **Bill of sale to secure advances, etc.**

8(1) Where a bill of sale is given to secure the grantee;

(a) repayment of advances to be made by him under an agreement therefor;  
or

(b) against loss or damage by reason of the endorsement of a bill of exchange or promissory note; or

(c) against loss or damage by reason of any other liability incurred by the grantee for the grantor; or

(d) against loss or damage by reason of any liability to be incurred under an agreement by the grantee for the grantor;

the bill of sale shall set forth clearly by recital or otherwise, and shall, when presented for registration, be accompanied by an affidavit of the grantee, or one of several grantees, his or their agent, stating that it truly sets forth:

(e) the terms or substance of the agreement entered into between the parties in respect of the advances; or

(f) a copy of the bill of exchange or promissory note endorsed and of the endorsements; or

(g) the nature and extent of such other liability incurred by the grantee for the grantor; or

(h) the terms or substance of the agreement in respect of the liability to be incurred by the grantee for the grantor;

and in all cases the affidavit shall state that the bill of sale truly sets forth the extent or amount of the liability incurred or to be incurred and to be secured by the bill of sale.

(2) The affidavit shall also state that the bill of sale was executed in good faith and for the purpose of securing the grantee:

(a) repayment of the advances; or

(b) against loss or damage by reason of the endorsement; or

(c) against loss or damage by reason of the liability incurred by the grantee for the grantor; or

(d) against loss or damage by reason of the liability to be incurred by the grantee for the grantor, under the agreement therefor;

as the case may be, and not for the mere purpose of protecting the chattels therein mentioned against the creditors of the grantor, or for the purpose of preventing such creditors from recovering any claims which they have against the grantor.

R.S.S. 1940, c.288, s.8; R.S.S. 1953, c.357, s.8.

**Bill of sale to secure debt or a present loan**

**9** Where a bill of sale, other than a bill of sale within the scope of section 8, is given to secure the payment of an ascertained amount due or accruing due from the grantor to the grantee, or of a present advance being made by the grantee to the grantor, it shall, when presented for registration, be accompanied by an affidavit of the grantee, or one of several grantees, his or their agent, stating that the amount set forth in the bill of sale as being the consideration therefor is justly due or accruing due from the grantor to the grantee, or is a present advance being made by the grantee to the grantor, as the case may be, and that the bill of sale was executed in good faith and for the purpose of securing to the grantee the payment of such amount, and not for the mere purpose of protecting the chattels therein mentioned against the creditors of the grantor, or for the purpose of preventing such creditors from recovering any claims which they have against the grantor.

R.S.S. 1940, c.288, s.9; R.S.S. 1953, c.357, s.9.

**Affidavit accompanying other bills of sale**

**10(1)** Where a bill of sale is not a bill of sale within the scope of section 8 or section 9, it shall, when presented for registration, be accompanied by an affidavit of the grantee, or one of several grantees, his or their agent, stating that the bill of sale was executed in good faith and for good consideration, as set forth in the bill of sale, and not for the mere purpose of protecting the chattels therein mentioned against the creditors of the grantor, or for the purpose of preventing such creditors from recovering any claims which they have against the grantor.

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

R.S.S. 1940, c.288, s.10; R.S.S. 1953, c.357, s.10.

**Renewal of bills of sale evidencing mortgages**

11(1) Where a registered bill of sale evidences a mortgage of chattels, it shall, after the expiration of the period of three years from its registration cease to be valid as against creditors and as against subsequent purchasers or mortgagees claiming from or under the grantor in good faith, for valuable consideration and without notice, whose conveyances or mortgages have been duly registered, or are valid without registration, unless, before the expiration of that period, a renewal statement accompanied by the affidavit hereinafter mentioned is registered in accordance with subsections (2) and (3).

(2) The renewal statement shall set out the interest of the mortgagee, his executors, administrators or assigns, in the chattels comprised in the bill of sale, and the amount still moving for principal and interest or the extent or amount of the liability still secured thereby, and shall be accompanied by an affidavit of the mortgagee or one of the mortgagees, his executors, administrators or assigns, or his or their agent, or of some one of them stating that the statement is true and that the bill of sale has not been kept in force for any fraudulent purpose. The renewal statement may be in form A in the schedule, with such variations as the circumstances may require.

(3) The renewal statement accompanied by the affidavit shall be registered:

(a) in the office of the proper officer of the registration district in which the bill of sale or copy thereof was registered, as regards the chattels still situated in that registration district; or

(b) in case of the permanent removal of any of the chattels comprised in the bill of sale and the registration of a certified copy of the bill of sale pursuant to section 12, in the office of the proper officer of the registration district in which the certified copy of the bill of sale was so registered, as regards the chattels so removed; and also

(c) if the bill of sale comprises a motor vehicle within the meaning of *The Vehicles Act*, a machine designed for navigation of the air or any gas or oil well drilling equipment, in the office of the proper officer of the registration district of Regina in all cases where the renewal statement accompanied by the affidavit is not required by clause (a) or (b) to be registered in that office.

(4) A further renewal statement accompanied by an affidavit shall likewise be registered in accordance with subsections (2) and (3) within the period of three years from the registration of the first renewal statement, and thereafter within each succeeding period of three years from the registration of the last preceding renewal statement, otherwise the bill of sale shall, after the expiration of any such period, become void to the extent provided in subsection (1).

(5) If a mistake is made in the renewal statement, the mortgagee, his executors, administrators or assigns, may, after the discovery of the mistake, register an amended statement and affidavit referring to the former statement and clearly pointing out the mistake therein and correcting it.

(6) If before the registration of the amended statement and affidavit any person has in good faith made an advance of money or given any valuable consideration to the grantor, or has incurred any costs in proceedings taken relying on the accuracy of the renewal statement as first registered, the bill of sale as to the amount so advanced or the valuable consideration given or costs incurred by such person, shall, as against that creditor, purchaser or mortgagee, stand good only for the amount stated in the renewal statement as first registered, or to the extent or amount of the liability secured stated in the renewal statement as first registered.

R.S.S. 1940, c.288, s.11; 1953, c.109, s.4; R.S.S. 1953, c.357, s.11.

**Removal of chattels to another district**

**12** Where a registered bill of sale evidences a mortgage of chattels, and where before the payment and discharge of the bill of sale, chattels comprised therein are permanently removed into a registration district other than the one in which they were situated at the time of its execution, the bill of sale shall, within thirty days after the grantee has received notice of the place to which the chattels have been removed, be registered in the office of the proper officer of the registration district into which the chattels are removed, by filing therein a copy of the bill of sale and of all affidavits and documents accompanying the bill of sale or filed on the registration or renewal thereof, certified as a true copy by the proper officer in whose office the bill of sale was registered or was last renewed, otherwise the bill of sale shall, in respect of the chattels so removed, cease to be valid as against creditors and as against subsequent purchasers or mortgagees claiming from or under the grantor in good faith for valuable consideration and without notice, whose conveyances or mortgages have been registered or are valid without registration.

R.S.S. 1940, c.288, s.12; R.S.S. 1953, c.357, s.12.

**Removal of chattels into the province**

**13** Where chattels subject to a mortgage which was executed at a time when they were situated without the province are permanently removed into the province, the mortgage shall, within thirty days after the grantee has received notice of the place to which the chattels have been removed, be registered as a bill of sale, in the office of the proper officer of the registration district into which the chattels are removed, and also, if the mortgage comprises a motor vehicle within the meaning of *The Vehicles Act*, a machine designed for navigation of the air or any gas or oil well drilling equipment, in the office of the proper officer of the registration district of Regina in all cases where the mortgage is not otherwise required by this section to be registered in that office, by filing therein a copy of the mortgage and of all affidavits and documents accompanying or relating to the mortgage proved to be a true copy by the affidavit of some person who has compared the same with the originals, otherwise the grantee shall not be permitted to set up any right of property or right of possession in or to the chattels so removed as against creditors and as against subsequent purchasers or mortgagees claiming from or under the grantor in good faith, for valuable consideration and without notice.

R.S.S. 1940, c.288, s.13; 1953, c.109, s.5;  
R.S.S. 1953, c.357, s.13.

**Subsequent taking of possession**

**14** A sale or mortgage or a bill of sale which under this Act is void, or has ceased to be valid, as against creditors, or purchasers or mortgagees, shall not, by reason of the fact that the grantee has subsequently taken possession of the chattels sold or mortgaged, be rendered valid as against persons who became creditors, purchasers or mortgagees before the grantee took possession.

R.S.S. 1940, c.288, s.14; R.S.S. 1953, c.357, s.14.

**Registration of assignments**

**15(1)** An assignment of a bill of sale need not be registered, but it may be registered by filing the assignment, accompanied by an affidavit of an attesting witness of the execution thereof, in any office in which the bill of sale is registered.

(2) The proper officer in whose office an assignment is registered shall note the fact of the assignment against each entry in the books of his office respecting the registration of the bill of sale, and shall make a like notation upon the bill of sale or copy filed in his office.

(3) If the chattels comprised in the bill of sale so assigned are situated partly in one registration district and partly in another or other registration district or districts, registration of the assignment may be effected by filing the assignment and affidavit pursuant to subsection (1) in the office of the proper officer in one registration district, and by filing a duplicate original of the assignment and affidavit, or a copy of the assignment and affidavit certified by the proper officer of that registration district, in the office of the proper officer in the other or each other registration district, and the proper officer in each registration district shall make the like notations of the assignment in the records of his office as are provided by subsection (2).

(4) If the bill of sale so assigned comprises a motor vehicle within the meaning of *The Vehicles Act*, a machine designed for navigation of the air or any gas or oil well drilling equipment, registration of the assignment may be effected by filing the assignment and affidavit pursuant to subsection (1) in any office in which the bill of sale is registered and, if such office is not the office of the proper officer of the registration district of Regina, by filing in the office of the proper officer of the registration district of Regina a duplicate original of the assignment and affidavit or a copy of the assignment and affidavit certified by the proper officer of the registration district in which the bill of sale is registered.

R.S.S. 1940, c.288, s.15; 1953, c.109, s.6;  
R.S.S. 1953, c.357, s.15.

**Discharge of bill of sale**

**16(1)** Where a registered bill of sale evidences a mortgage of chattels, it may be discharged in whole or in part by the registration in the office in which the same is registered of a certificate of discharge (form B) signed by the mortgagee, his executors, administrators or assigns, and accompanied by an affidavit of an attesting witness of the execution thereof; but no certificate of discharge by an assignee shall be registered unless the assignment has been registered in that office.

(2) The proper officer in whose office a certificate of discharge accompanied by the affidavit of execution is registered shall note the fact of the discharge against each entry in the books of his office respecting the registration of the bill of sale, and shall make a like notation upon the bill of sale or copy filed in his office.

(3) If the chattels affected by the discharge are situated partly in one registration district and partly in another registration district or other registration districts, the registration may be effected either by filing a duplicate or other original of the certificate of discharge and affidavit of execution in the office of the proper officer in each of the registration districts, or by filing the certificate of discharge and affidavit of execution in one of the registration districts and by filing a certificate of the entry of the discharge therein, signed by the proper officer of that registration district, in the office of the proper officer of each of the other registration districts, and each proper officer shall make the like notations of the discharge in the records of his office as are provided by subsection (2).

(4) If the bill of sale comprises a motor vehicle within the meaning of *The Vehicles Act*, a machine designed for navigation of the air or any gas or oil well drilling equipment and is registered in the office of the proper officer of the registration district of Regina and also in the office of the proper officer of another or other registration districts, the registration may be effected either by filing a duplicate or other original of the certificate of discharge and affidavit of execution in each of the offices in which the bill of sale is registered or by filing the certificate of discharge and affidavit of execution in the office of the proper officer of the registration district of Regina and by filing a certificate of the entry of the discharge therein, signed by the proper officer of that registration district, in the office of the proper officer of each of the other registration districts, and each proper officer shall make the like notations of the discharge in the records of his office as are provided by subsection (2).

(5) The proper officer in whose office the certificate of discharge is registered shall on request furnish a certificate of the entry of the discharge in the records of his office.

R.S.S. 1940, c.288, s.16; 1953, c.109, s.7;  
R.S.S. 1953, c.357, s.16.

#### Registration districts and offices

**17(1)** For the purpose of registration of bills of sale, and offices each judicial district in the province shall be a registration district, and the registration clerk whose office is situated within a registration district shall be the proper officer for the registration of bills of sale in that registration district.

(2) In the event of the establishment of a new judicial district all bills of sale 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 bill of sale 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.

(3) In the event of a renewal of a bill of sale 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 bill of sale to which such statement relates and of any renewals thereof under the hand of the registration clerk in whose office the same were filed.

(4) In the event of the disestablishment of a judicial district all bills of sale relating to property within the disestablished districts shall continue to be as valid and effectual in all respects as they would have been if the district had not been disestablished, and no bill of sale in force and filed at the date of the disestablishment shall lose its priority by reason of its not being filed, prior to its renewal, in the office of the registration clerk of the district in which the chattels comprised in the bill of sale are then situated.

(5) Upon the disestablishment of a judicial district all documents registered in the office of the registration clerk and all registers and other books of record shall be transferred to the registration clerk or clerks of such other district or districts, and by such person, as the Lieutenant Governor in Council may direct.

(6) When a bill of sale is renewed after the disestablishment of a district, the renewal statement shall be filed in the office of the registration clerk of the district in which the chattels are then situated. If such district is different from the district to which the bill of sale has been transferred under subsection (5), the renewal statement shall be accompanied by a copy of the bill of sale and any renewals thereof certified under the hand of the registration clerk of that district.

R.S.S. 1940, c.288, s.17; R.S.S. 1953, c.357, s.17.

**Expiry of time on Sunday**

18 Where the time for registration of a bill of sale or other document expires on a Sunday or other day on which the office in which the registration is to be made is closed, the registration shall, with respect to the time of registration be valid if made on the next following day on which the office is open.

R.S.S. 1940, c.288, s.18; R.S.S. 1953, c.357, s.18.

**Proof of execution otherwise than by affidavit**

19 If, before the making of any affidavit of execution required by this Act, the attesting witness to a bill of sale or other document dies or leaves the province, or becomes incapable of making or refuses to make such affidavit, a judge of the Court of Queen's Bench or of the district court of the judicial district in which the chattels are situated may make an order permitting the registration of the bill of sale or other document, upon such proof of its due execution and attestation as by the order he may require and allow. The order or a copy thereof shall be annexed to the bill of sale or other document and filed therewith; and the registration of the bill of sale or other document, under and in compliance with the terms of the order, shall have the like effect as the registration thereof with the affidavit of execution required by this Act.

R.S.S. 1940, c.288, s.19; R.S.S. 1953, c.357, s.19.

**Taking of affidavits**

20(1) Affidavits required by this Act may be taken and made before the proper officer of any registration district or before any person, whether within or without the province, authorized to take affidavits in or concerning any cause, matter, or thing pending in any court in the province.

(2) No registered bill of sale or other document shall be held to be defective or void solely on the ground that an affidavit required by this Act was taken and made before a solicitor for any of the parties to the bill of sale or other document, or before a partner of such solicitor, or before a clerk in the office of such solicitor.

R.S.S. 1940, c.288, s.20; R.S.S. 1953, c.357, s.20.

**Affidavit in case of death of grantee**

21 Any affidavit required by this Act to be made by a grantee or assignee of the grantee may in the event of his death be made by his executor or administrator, or by any of his next of kin, or by the duly authorized agent of the executor or administrator.

R.S.S. 1940, c.288, s.21; R.S.S. 1953, c.357, s.21.

**Affidavit, etc., on behalf of corporation**

**22** Where the grantee or the assignee of a bill of sale is a corporation, every affidavit or statement required or permitted by this Act to be made or given by the corporation as grantee or assignee may be made or given by any officer, employee or agent of the corporation.

R.S.S. 1940, c.288, s.22; R.S.S. 1953, c.357, s.22.

**Affidavit of agent or officer**

**23** Any affidavit made for the purposes of this Act by the agent of a grantee, assignee, executor or administrator, or by an officer, employee or agent of a corporation, shall state that the deponent is aware of the circumstances connected with the bill of sale or with the renewal of the bill of sale, as the case may be, and that he has a personal knowledge of the facts deposed to.

R.S.S. 1940, c.288, s.23; R.S.S. 1953, c.357, s.23.

**No affidavit of execution by corporation**

**24** Where a bill of sale, certificate of discharge, assignment or other document has been executed by a corporation under the provisions of this Act, no affidavit of an attesting witness shall be required.

R.S.S. 1940, c.288, s.24; R.S.S. 1953, c.357, s.24.

**Recitification of omissions and mis-statements**

**25** Subject to the rights of other persons accrued by reason of any omission or mis-statement referred to in this section, a judge of the Court of Queen's Bench or of the district court of the judicial district in which the chattels are situated, on being satisfied that the omission to register a bill of sale or renewal statement within the time prescribed by this Act, or any omission or mis-statement in any document filed under this Act, was accidental or due to inadvertence or impossibility, or other sufficient cause, may, in his discretion, extend the time for registration or order the omission or mis-statement to be rectified on such terms and conditions, if any, as to security, notice by advertisement or otherwise, or as to any other matter or thing, as the judge thinks fit to direct. The order or a copy thereof made under this section shall be annexed to the bill of sale or copy thereof on file or tendered for registration, and appropriate entries shall be made in the register.

R.S.S. 1940, c.288, s.25; R.S.S. 1953, c.357, s.25.

**Defects and irregularities**

**26** No defect or irregularity in the execution or attestation of a bill of sale or renewal statement, no defect, irregularity, or omission in any affidavit accompanying a bill of sale or renewal statement or filed in connection with its registration, and no error of a clerical nature or in an immaterial or non-essential part of a bill of sale or renewal statement shall invalidate or destroy the effect of the bill of sale or renewal statement or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried such defect, irregularity, omission or error has actually misled some person whose interests are affected by the bill of sale.

R.S.S. 1940, c.288, s.26; R.S.S. 1953, c.357, s.26.

**Bills of sale of subsequently acquired chattels**

**27** The provisions of this Act shall extend to bills of sale of chattels, notwithstanding that the chattels may not be the property of or may not be in the possession, custody or control of the grantor, or any one on his behalf at the time of the making of the bill of sale, and notwithstanding that the chattels may be intended to be delivered at some future time, or that they may not at the time of the making of the bill of sale be actually procured or provided, or fit or ready for delivery, and notwithstanding that some act may be required for the making or completion of the chattels, or rendering them fit for delivery.

R.S.S. 1910, c.288, s.27; R.S.S. 1953, c.357, s.27.

**Where Crown is grantee**

**28** In case of a bill of sale in which the Crown or any minister, board, commission, or officer of the Executive Government of Canada or of any province, acting on behalf of the Crown, is the grantee, the provisions of this Act shall apply, except with respect to affidavits of *bona fides* and with respect to renewal statements.

R.S.S. 1940, c.288, s.28; R.S.S. 1953, c.357, s.28.

**Where federal agricultural credit organization is grantee**

**29(1)** Notwithstanding anything contained in this Act, in case of a bill of sale in which any federal agricultural credit organization is the grantee, a notice under the hand and seal of any person purporting to be an officer of such organization, showing the name, address and occupation of the grantor, the date of the execution of the bill of sale, the chattels mentioned therein and the amount advanced thereunder, may be filed in the office of the proper officer of the registration district or districts in which the chattels comprised in the bill of sale are situated at the elate of the execution of the bill of sale.

(2) The notice when filed shall have the same effect as if the bill of sale had been filed and it shall not be necessary to file the affidavits of *bona fides* or renewal statements required by this Act.

R.S.S. 1940, c.288, s.29; R.S.S. 1953, c.357, s.29.

*Note.*—Section 29 is to come into force on proclamation of the Lieutenant Governor. See 1934, c.52, s.2.

**Evidence of records**

**30(1)** Every certificate furnished by the proper officer touching any matter dealt with by this Act shall be received for all purposes as *prima facie* evidence of the facts set out in the certificate; and every copy of a document filed or registered under this Act, certified by the proper officer, shall be received as *prima facie* evidence for all purposes as if the original document were produced.

(2) No proof shall be required of the signature or official position of any proper officer in respect of any certificate produced as evidence pursuant to this section.

R.S.S. 1940, c.288, s.30; R.S.S. 1953, c.357, s.30.

**Inspection of records**

**31** Upon payment of the prescribed fees, every person shall have access to and be entitled to inspect the books of any proper officer containing records or entries of bills of sale or documents registered or filed under the provisions of this Act; and no person shall be required, as a condition of his right thereto, to disclose the name of the person in respect of whom such access or inspection is sought; and every proper officer shall, upon request accompanied by payment of the prescribed fees, produce for inspection any bill of sale or document so registered or filed in his office.

R.S.S. 1940, c.288, s.31; R.S.S. 1953, c.357, s.31.

**Registration offices and officials**

**32(1)** 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.

(2) 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.

(3) 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) in the judicial districts of Arcola, Estevan, Moosomin, Melville and Yorkton the office shall be kept open between the hours of nine in the forenoon and three in the afternoon;

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

(c) on Saturdays the office shall be closed at twelve o'clock noon, except in the above named districts where it shall be closed at eleven o'clock in the forenoon; and

(d) during the periods of vacation prescribed by *The Queen's Bench Act* and the Rules of Court, on all days, other than Saturdays, on which the office is open to the public, the office shall be closed at one o'clock in the afternoon, except in the above named districts where it shall be closed at twelve o'clock noon.

(4) Except with respect to the judicial districts named in subsection (3), where a municipality in which the office of a registration clerk is situated adopts any other time than mountain standard time for regulating business hours within the municipality, the times mentioned in subsection (3) shall, so long as the bylaw is in force, be deemed to be local time.

(5) Notwithstanding subsection (3), the Lieutenant Governor in Council may order that the office of every registration clerk be closed on Saturdays during the whole or any specified portion of the year.

(6) Notwithstanding subsection (3), the office of every registration clerk shall be closed on Boxing Day, being the day after Christmas Day, and whenever Boxing Day falls on a Sunday or Monday the office shall be closed on the following day.

(7) Where in any Act or regulation the time limited for the doing of any thing in the office of a registration clerk expires or falls on a day on which the office is closed pursuant to this section, the time so limited shall be extended to and the thing may be done on the day first following which is not a holiday and not a day on which the office is closed.

- (8) Registration shall be made during office hours only.
- (9) 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.

R.S.S. 1940, c.288, s.32; 1946, c.94, s.1; 1952, c.100, s.1; 1953, c.109, s.8; R.S.S. 1953, c.357, s.32.

**Securities on growing crops**

**33(1)** No mortgage of chattels shall, in so far as it assumes to bind any growing crop or crop to be grown in future, in whole or in part, be valid unless executed as a security for the purchase price and interest thereon of seed grain or of meat, groceries, flour, clothing, coal or binder hvine, hereinafter called necessaries.

(2) Every such mortgage shall be held to be within the provisions of this Act, and the affidavit of *bona fides* shall contain, among the other necessary allegations, a statement that the same is taken to secure the purchase price of seed grain or of necessaries, specifying the nature of such necessaries.

(3) No mortgage to secure the purchase price of seed grain shall be given upon any crop which is not sown within one year of the date of its execution.

(4) Mortgages upon growing crops or crops to be grown may be given to the extent of \$250 in the aggregate of all such mortgages 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 necessaries.

(5) Every registration clerk shall be entitled to receive the same fees for his services as are provided under section 37.

(6) No mortgage for the price of seed grain shall be affected by or subject to any bill of sale previously given by the debtor or by any writ of execution against the debtor in the hands of the sheriff at the time of the registration of such mortgage, but the same shall be a first and preferential security for the amount 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*.

(7) Mortgages given for necessaries shall be postponed in operation to mortgages for the price of seed grain, to seed grain advances under any Act respecting advances to purchase seed grain, to threshers' liens under *The Threshers' Lien Act* and to the right of distress given to a landlord under *The Landlord and Tenant Act*, but, subject to such priorities, mortgages for necessaries shall not be affected by any encumbrance whenever created or by any writ of execution in the hands of the sheriff at the time of the registration of the mortgage, and such mortgage shall create a preferential lien next in priority to seed grain securities, advances, threshers' liens, and to the landlord's right of distress, as above mentioned.

R.S.S. 1940, c.288, s.33; R.S.S. 1953, c.357, s.33.

**Assignment of proceeds**

**34** No assignment of the proceeds of sale of a growing crop or crop to be grown in the future shall be valid.

R.S.S. 1940, c.288, s.34; R.S.S. 1953, c.357, s.34.

**Execution of mortgages on grain**

**35** No mortgage of grain shall, if executed after the first day of May, 1927, be valid unless it is either executed by the mortgagor in person or, if executed under power of attorney, is accompanied by a sworn copy of the power and an affidavit of the attorney that the donor of the power was, at the date of execution of the said mortgage, absent from Saskatchewan.

R.S.S. 1940, c.288, s.35; R.S.S. 1953, c.357, s.35.

**Assignments to certain co-operative companies**

**36** Notwithstanding anything contained in the preceding sections, any company or association, established for the purpose of carrying on the business of buying, selling and marketing grain upon the non-profit co-operative plan, may, on terms and conditions which it deems fit, accept an assignment of the proceeds of grain delivered or to be delivered to the company or association by a member, given while the grain was growing or was to be grown, as security for or in payment of membership fees or dues to a duly incorporated company or association having for its objects, or one of its main objects, the promotion of co-operative buying and selling among its members, and such assignment shall from the date of acceptance be valid and effectual.

R.S.S. 1940, c.288, s.36; R.S.S. 1953, c.357, s.36.

**Fees**

**37** The fees payable for services under this Act shall be prescribed by the Lieutenant Governor in Council.

R.S.S. 1940, c.288, s.37; R.S.S. 1953, c.357, s.37.

**Uniform construction**

**38** This Act shall be so interpreted and construed as to effect its general purpose of making uniform the law of the provinces that enact it.

R.S.S. 1940, c.288, s.39; R.S.S. 1953, c.357, s..

SCHEDULE

FORM A

(Section 11)

RENEWAL STATEMENT OF CHATTEL MORTGAGE

Statement setting out the interest of \_\_\_\_\_ in the chattels mentioned in the bill of sale dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, made between \_\_\_\_\_ of \_\_\_\_\_ the one part, and \_\_\_\_\_, of \_\_\_\_\_ of the other part and registered in the office of \_\_\_\_\_ of the registration district of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and of the amount still owing for principal and interest, or the extent or amount of the liability still secured by the said bill of sale.

The said \_\_\_\_\_ is still the mortgagee of the said chattels, and has not assigned the said bill of sale (or the said \_\_\_\_\_ is the assignee of the said bill of sale by virtue of an assignment thereof, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.) (or as the case may be).

The amount still owing for principal and interest on the said bill of sale is the sum of \$ \_\_\_\_\_ (or The extent or amount of the liability still secured by the said bill of sale is as follows): (here give particulars).

(Signature of Mortgagee or Assignee.)

Registration District of \_\_\_\_\_

To wit:

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, the mortgagee named in the bill of sale mentioned in the foregoing (or annexed) statement (or assignee of the mortgagee named in the 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 bill of sale mentioned in the said statement has not been kept in force or any fraudulent purpose.

Sworn before me at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

.....
A Commissioner, etc.

FORM B

(Section 16)

CERTIFICATE OF DISCHARGE

I, \_\_\_\_\_, of \_\_\_\_\_ do certify that \_\_\_\_\_ has satisfied all money due, or to grow due on a certain bill of sale made by \_\_\_\_\_ to \_\_\_\_\_, which bill of sale bears date the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and was registered (*or in case the bill of sale has been renewed was last renewed*), in the office of the \_\_\_\_\_ of the registration district of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, as No. \_\_\_\_ (*here mention the date of registration of each assignment thereof; and the names of the parties, or mention that such bill of sale 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 bill of sale is therefore discharged.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness: .....  
 (Signature of Mortgagee or Assignee).

(Note.—An affidavit of execution is required by section 16 except as provided by section 24.)

FOR HISTORICAL REFERENCE ONLY

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