

CANADA / JUDGMENT

Seibel v. Dwyer Elevator Co.

[1924] SCR 530**COURT**

Supreme Court of Canada

DECIDED

14 October 1924

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Seibel v. Dwyer Elevator Co. Collection Supreme Court Judgments Date 1924-10-14 Report

[1924] SCR 530 Judges Idington, John; Duff, Lyman Poore; Mignault, Pierre-Basile; Malouin, Arthur Cyrille Albert; Maclean On appeal from Saskatchewan Subjects Sale Decision Content Supreme Court of Canada Seibel v. Dwyer Elevator Co., [1924] S.C.R. 530 Date: 1924-10-14 Seibel v. Dwyer Elevator Company 1924: May 9; 1924: October 14. Present: Idington, Duff, Mignault and Malouin JJ. and Maclean J. ad hoc. ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN Sale of land—Crop payment agreement—"Crop payments Act" (R.S.S.) 1920, c. 126, s. 3—Strict construction—Attornment clause—Premature seizure of grain by vendor. APPEAL from the judgment of the Court of Appeal for Saskatchewan^[1] affirming the judgment of Taylor J.^[2] and dismissing the plaintiff appellant's action. The action is for payment of the value of certain grain sold by other parties to defendant respondent. The grain was received by the latter from these parties who acquired it from the purchasers of the land upon which it was grown. The appellant founded his claim upon the right conferred upon him as the vendor of the land to a one-half share of all the crop taken from the said land by his purchasers. He relies upon the provisions of "The Crop Payments Act," R.S.S. 1920, c. 126, s. 3. It was held by the courts below that the appellant could not in the circumstances of this case claim the benefit of that section which did not apply where, under the agreement, the share of the crop to be delivered to the vendor is to be, or may be, applied toward the payment of things other than the price of the land itself. It was also held that no valid seizure of the crop had been made by the appellant. On the appeal by the plaintiff to the Supreme Court of Canada, the court, after hearing counsel for both parties, reserved judgment, and, at a subsequent date, dismissed the appeal with costs, Idington J. dissenting. Appeal dismissed with costs. F. W. Turnbull for the appellant. H. Fisher K.C. and S. Clark for the respondent.

[1] [1923] 17 Sask. L.R. 369; [1923] 2 W.W.R. 1051.

[2] [1923] 1 W.W.R. 497.

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