

Bill No. 19 of 1952.

A BILL TO AMEND THE EXECUTION CREDITORS
ACT.

NOTE.

This Bill amends *The Execution Creditors Act*, being chapter 122 of the Revised Statutes of Alberta, 1942.

Section 8, subsection (2), clause (a) and sections 10 and 12 are each amended by the addition of an express reference to solicitors of litigants. These sections deal with payment out of moneys in the hands of the sheriff. The sheriff's dealings are normally with the solicitors of the parties involved. The amendment makes it clear that the sheriff is entitled to pay moneys in his hands to these solicitors. Where a solicitor is acting on behalf of a party, the money in the hands of the sheriff usually includes the solicitor's costs and disbursements which he has already paid on his client's behalf, and it is a matter of convenience that these disbursements should be repaid directly to him. It is also a customary business practice to pay moneys to a solicitor on behalf of his client. Such funds are kept in trust accounts and The Law Society of Alberta maintains an Assurance Fund for the protection of the public.

Section 25, subsection (1) is amended to make it conform to the 1951 amendment to *The District Courts Act*, giving the District Courts jurisdiction up to one thousand dollars.

This Bill comes into force upon assent.

KENNETH A. MCKENZIE,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 19 of 1952.

An Act to amend The Execution Creditors Act.

(Assented to _____, 1952.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Execution Creditors Act*, being chapter 122 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 8, subsection (2) is amended by adding at the end of clause (a) the words "or to their solicitors". Section 8
amended

3. Section 10 is amended,— Section 10
amended
(a) by renumbering the section as subsection (1);
(b) by adding immediately after subsection (1) the following new subsection:
“(2) Where a sheriff is disbursing money received in respect of an execution he may pay the same to the execution creditor or to the solicitor of the execution creditor.”.

4. Section 12 is amended by adding immediately after the words “the sheriff shall pay such costs to that creditor” the words “or his solicitor”. Section 12
amended

5. Section 25, subsection (1) is amended by striking out the words “six hundred” and by substituting the words “one thousand”. Section 25
amended

6. This Act shall come into force on the day upon which it is assented to. Coming
into force

No. 19.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Execution
Creditors Act.

Received and read the

First time

Second time

Third time

HON. MR. MAYNARD.
