

Bill No. 105 of 1952.

A BILL TO AMEND THE MECHANICS' LIEN ACT.

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NOTE.

This Bill amends *The Mechanics' Lien Act*, being chapter 236 of the Revised Statutes of Alberta, 1942.

Two new subsections are added to section 6 to make it clear that when a lienholder's claim is for work or services in respect of mining or drilling operations, and the surface title is not held by the holder of the mineral title, the lien attaches only to the mineral and not to the surface of the land; and if a lien is registered in such a case against the surface, the person registering the lien is liable for costs and damages resulting to the owner of the surface by reason of the registration.

Section 23 is repealed.

Section 26a is amended to correct references.

Section 48 is added. This section is an extension of section 23 which is being repealed. Formerly the liens claimed against oil and gas rights leased or licensed from the Crown were to be filed with the Minister of Mines and Minerals. Now all liens claimed against mines and minerals which are leased, licensed or reserved from the Crown are to be so filed.

This Bill comes into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

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

# BILL

No. 105 of 1952.

An Act to amend The Mechanics' Lien Act.

(Assented to \_\_\_\_\_, 1952.)

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

**1.** *The Mechanics' Lien Act*, being chapter 236 of the Revised Statutes of Alberta, 1942, is hereby amended.

Section 6  
amended

**2.** Section 6 is amended by adding immediately after subsection (3) the following new subsections:

“(4) When,—

“(a) the lienholder's claim is for work, service or material supplied,—

“(i) for any mining or drilling operation;

“(ii) to prospect for or recover any mineral; and

“(b) the surface title is held by a person other than the person who holds the mineral title;

the lien given by subsection (1) shall attach only to the mineral and shall not attach to the surface of the land.

“(5) If a person registers a lien against the surface title in a case referred to in subsection (4), he shall be liable for legal costs, or other costs and any damages incurred by or resulting to the holder of the surface title by reason of the registration of the lien against the surface title.”.

Section 23  
repealed

**3.** The heading immediately preceding section 23 and section 23 are repealed.

Section 26a  
amended

**4.** Section 26a is amended,—

(a) by striking out the figures “23” and by substituting the figures “48”;

(b) by striking out the words “Lands and Mines” and by substituting the words “Mines and Minerals”.

Heading  
added

**5.** The heading “Lien on Oil and Gas Wells” is added immediately before section 42.

New  
section 48

**6.** The following new heading and section are added immediately after section 47:

**“Lien on Minerals Held from the Crown.**

“48. (1) Where a lien is claimed in respect of property which consists of,—

Claim for  
registration  
of lien

“(a) any mine; or

“(b) any well drilled for the purpose of obtaining oil, gas or other mineral; or

“(c) any work or operation conducted preparatory thereto;

and if the property is held under any claim, lease, license, permit, reservation or other agreement from the Crown granted pursuant to the *Dominion Lands Act*, or pursuant to *The Provincial Lands Act*, or pursuant to *The Mines and Minerals Act*, or by some person claiming by, through or under any holder of such claim, lease, license, permit, reservation or other agreement, the claim for registration of the lien shall be made to the Minister of Mines and Minerals instead of to the Registrar of Land Titles.

“(2) No lien may be filed pursuant to the provisions of subsection (1) in respect of a claim for wages for the payment of which security has been lodged pursuant to *The Industrial Wages Security Act*.

“(3) The provisions of this Act as to registration by the Registrar of Land Titles shall apply, *mutatis mutandis*, to registration hereunder by the Minister, and upon registration, the lien shall be enforceable as against the interest of the holder of the claim, lease, license, permit, reservation or other agreement as aforesaid in the same manner as a lien duly registered pursuant to section 19.”.

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

Coming into  
force

No. 105.

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FIFTH SESSION  
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

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**BILL**

An Act to amend The Mechanics'  
Lien Act.

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. TANNER.

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