

Bill No. 94 of 1953

A BILL TO AMEND THE GARAGEMEN'S LIEN ACT

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NOTE

This Bill amends *The Garagemen's Lien Act*, being chapter 233 of the Revised Statutes of Alberta, 1942.

Section 3 is amended by the addition of a new subsection (3) which requires that a garageman obtain from the person who authorized the repair, etc., of a motor vehicle, or who ordered accessories for it, an acknowledgment of indebtedness in the form of a signed invoice or other statement of account. The purpose of this amendment is to remove a source of dissatisfaction in the Act. As the Act stood, a lien might attach where the amount charged was in excess of the amount agreed upon for the work and the owner would have no recourse until after the vehicle had been seized and held, at his expense, for some time during which he would be without his vehicle.

Sections 7 and 8 are struck out and new sections substituted in their stead to remove a source of ambiguity and injustice in the Act.

Form A in the Schedule is amended to correspond to the amendments to section 3.

This Bill comes into force on the 1st day of July, 1953.

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. 94 of 1953

An Act to amend The Garagemen's Lien Act

(Assented to \_\_\_\_\_, 1953)

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

**1.** *The Garagemen's Lien Act*, being chapter 233 of the Revised Statutes of Alberta, 1942, is hereby amended.

Section 3  
amended

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

Statement  
of account

"(3) No garageman shall be entitled to a lien under this Act unless before surrendering possession of the motor vehicle he obtains from the person who authorized the storage, repair or maintenance, or who ordered that accessories be furnished for it, an acknowledgment of indebtedness by requiring that person to sign an invoice or other statement of account."

Sections 7  
and 8  
amended

**3.** Sections 7 and 8 are struck out and the following are substituted:

Duration of  
lien

"**7.** Upon the filing of a lien pursuant to this Act the same shall continue for a further period of ninety days from the date of filing and shall determine upon the expiration of that period unless a warrant, addressed to the sheriff of the Supreme Court of Alberta for the judicial district in which the motor vehicle subject to the lien is for the time being, and directing the sheriff to seize the motor vehicle and return the same to the garageman, is issued and delivered to the sheriff.

Seizure

"**8.** (1) The sheriff shall seize or cause to be seized the motor vehicle in respect of which the warrant was issued if it is found anywhere in the judicial district for which the sheriff is appointed, and thereafter, upon being paid the amount of the proper fees payable in respect of the warrant and seizure, shall deliver it or cause it to be delivered to the garageman or his agent at the place at which the motor vehicle is to be kept under seizure in the judicial district in which the seizure was made.

"(2) The warrant shall expire and the lien shall determine six months after the issuing of the warrant unless a judge otherwise orders, in which case the warrant and lien shall expire and determine upon the day specified in the order."

4. Form A in the Schedule is amended by striking out the words "(also insert the name and address of the person who authorized such storage, or repairs). The amount for which the lien is claimed is the sum of \$....." and by substituting the words "..... of (name) ....., who authorized the storage, re- (address) pairs, maintenance or furnishing of accessories, for which a lien in the sum of \$..... is claimed, has acknowledged indebtedness to me for the amount claimed by signing an invoice or other statement of account."

Schedule  
amended

5. This Act comes into force on the first day of July, 1953.

Coming into  
force

No. 94

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FIRST SESSION  
TWELFTH LEGISLATURE  
2 ELIZABETH II  
1953

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**BILL**

An Act to amend The Garagemen's  
Lien Act

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. GERHART

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