

## **REPRINTED BILL**

**Bill No. 36 of 1955**

### **A BILL TO AMEND THE SEIZURES ACT**

---

#### **NOTE**

This Bill amends *The Seizures Act*, being chapter 143 of the Revised Statutes of Alberta, 1942.

Section 39 is amended to permit a creditor or debtor to apply, after a distress, to a judge for directions as to the exercise by the sheriff of any of his powers or authorities under this Act and to permit the judge thereupon to give such directions to the sheriff as the judge thinks proper.

A new section 41a is added and makes it an offence to fail to file the statutory declaration required by section 30 or to charge more by way of fees or disbursements than the sheriff can charge in similar cases. This offence relates to the sale of a seized chattel by the creditor.

Section 47 is added. It permits a vendor under a conditional sale agreement or chattel mortgage to examine the purchaser or mortgagor, after distress proceedings have been instituted, as to the whereabouts of any of the goods that form part of the vendor's security.

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.)*

## REPRINTED BILL

### **BILL**

No. 36 of 1955

An Act to amend The Seizures Act

(Assented to \_\_\_\_\_, 1955)

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

**1.** *The Seizures Act*, being chapter 143 of the Revised Statutes of Alberta, 1942, is hereby amended.

Section 39  
amended

**2.** Section 39 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after subsection (1) the following new subsection:

“(2) At any time after a distress the creditor or debtor may upon his own motion apply to a judge for directions with respect to the exercise or intended exercise by the sheriff of any of the powers, duties or authorities conferred upon the sheriff by this Act and upon any such application the judge may, upon such notice to such parties as he thinks proper and after hearing such evidence as he deems necessary, make an order giving such directions, not inconsistent with this Act, as he in his absolute discretion deems proper and convenient and no action or proceeding of any kind lies against the sheriff for anything done pursuant to or in conformity with any direction so given.”.

New  
section 41a

**3.** The following new section is added immediately after section 41:

Penalties

“**41a.** A person who contravenes any of the provisions of clause (b) of section 30 is guilty of an offence and liable upon summary conviction

“(a) in the case of a corporation, to a fine of not more than two hundred dollars and costs, and

“(b) in the case of any other person, to a fine of not more than two hundred dollars and costs and in default of payment thereof to imprisonment for a term of not less than two months nor more than six months.”.

4. The following new section is added immediately after section 46: New  
section 47

"47. (1) In this section Interpre-  
tation

"(a) 'creditor' means the person who has the power of distress under a conditional sale agreement or a chattel mortgage; "creditor"

"(b) 'debtor' means the person who, under a conditional sale agreement or a chattel mortgage, is liable for the payment of any money or the delivery up of any goods or chattels, if the payment of the money or the delivery up of the goods is enforceable by distress or by proceedings in the nature of distress. "debtor"

"(2) At any time after a distress a creditor may, upon the order of a judge, examine his debtor upon oath before the clerk of the judicial district within which the debtor resides, or before any other person named in the order, as to the whereabouts of the goods and chattels that comprise the creditor's security under the conditional sale agreement or the chattel mortgage. Examination  
of debtor

"(3) In an examination under this section Order XXVIII of the Consolidated Rules of the Supreme Court applies *mutatis mutandis* as if the examination of the debtor under this section were an examination of a judgment creditor under the said Rules." Application  
of Rules of  
Court

5. This Act comes into force on the day upon which it is assented to. Coming into  
force

No. 36

---

THIRD SESSION  
TWELFTH LEGISLATURE

4 ELIZABETH II

1955

---

**BILL**

An Act to amend The Seizures Act

---

Received and read the

First time .....

Second time .....

Third time .....

---

HON. MR. MAYNARD

---