

No. 22

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 22

A Bill to amend The Masters and Servants Act

HON. MR. MANNING

Explanatory Note

This Bill amends The Masters and Servants Act, being chapter 194 of the Revised Statutes of Alberta.

The following defects are intended to be cured by this amendment, viz.:

1. There is no provision for the taking of garnishee proceedings in respect of an order under this Act.
2. There is doubt whether the employee obtaining an order is entitled to the priorities of a wage earner under section 16 of The Execution Creditors Act (Revised Statutes, chapter 103).
3. There is doubt whether the employee obtaining an order is entitled to share in distributions under The Execution Creditors Act (R.S.A. 1955, chapter 103) or The Seizures Act (R.S.A. 1955, chapter 307).
4. There is doubt whether an employee obtaining an order in one district can transfer his order to another district and distrain there in a case where the debtor moves his chattels into that other district.
5. An order at present cannot be filed against a debtor's land in the land titles office.
6. The Act is presently not clear as to the exemptions that should be allowed the debtor.

BILL

No. 22 of 1959

An Act to amend The Masters and Servants Act

(Assented to _____, 1959)

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

1. Section 8 of *The Masters and Servants Act*, being chapter 194 of the Revised Statutes is amended

(a) by renumbering the present section as subsection (1),

(b) by adding immediately after the renumbered subsection (1) the following subsections:

(2) Any such order when filed with the clerk of the district court in the judicial district in which the order was granted has the same force and effect as a judgment of the district court in which it is filed, and the clerk of the district court on request of the judgment creditor shall issue a writ of execution thereon, which shall be endorsed by the clerk with the words "issued pursuant to an order granted under *The Masters and Servants Act*".

(3) Upon the filing of the writ of execution so endorsed with the sheriff of the proper judicial district, the employee is entitled to the same rights and priorities as if his claim were duly proved by affidavit pursuant to section 16 of *The Execution Creditors Act*.

(4) Where a seizure is made upon an order and execution under this section, the debtor is entitled only to the exemptions allowed under section 3 of *The Exemptions Act* in the case of a distress for rent by a landlord.

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

No. 22

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Masters and
Servants Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
