

# BILL

No. 26 of 1921.

An Act to amend an Act respecting Extra-Judicial and Other Seizures.

(Assented to \_\_\_\_\_, 1921.)

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

*An Act respecting Extra-Judicial and Other Seizures*, being chapter 4 of the Statutes of Alberta, 1914, is hereby amended as follows:

1. For the purposes of this Act, the expression "private bailiff" means any person other than a sheriff, deputy sheriff, acting sheriff, assistant sheriff or sheriff's bailiff authorized by warrant to make a seizure and sale under any of the authorities mentioned in section 1 of this Act.

2. Section 1: By adding thereto the following words before the word "every" where the same occurs in the first line thereof: "Except as in section 1a provided."

3. By adding thereto the following section as section 1a:  
"1a. It shall be lawful for any person desiring to distrain or seize any goods and chattels under any of the authorities mentioned in the preceding section of this Act, by private bailiff so to do, provided he shall have filed with the Attorney General a bond in favour of His Majesty in the right of the province satisfactory to and approved by the Attorney General, in a sum of not less than \$1,000 nor more than \$10,000, conditioned upon the due performance of the office of bailiff by his appointee or appointees.

"(2) The filing and the approval of the said bond shall entitle the person executing the same to distrain and sell goods and chattels through the agency of private bailiffs for a period of one year from the date of the filing thereof.

"(3) In the event of a person whose goods have been seized or sold recovering a judgment for damages against either the bailiff or the person authorizing the distress, such person shall be entitled to collect the amount of such judgment from the obligors of the bond:

"Provided always that such obligors shall be served with a statement of claim in any such action and shall be entitled to be added as parties defendant if they so

desire, and in the event of an action being taken to collect any such judgment from the obligors of the said bond, they shall be precluded from raising in such action any question of fact or law determined by the first mentioned action.

“(4) Any person distraining by private bailiff shall be entitled to collect costs as allowed by the schedule to this Act:

“Provided always that in no case shall the amount of the costs with disbursements exceed twenty per cent. of the amount realized.

“(5) The person authorizing the distress or his bailiff shall deliver to the person whose goods are seized an itemized statement of the costs so retained. If such statement is not delivered then there shall be no costs of the distress or sale, and if there be any overcharge, the person whose goods and chattels have been distrained shall be entitled to a refund of five times the amount of such overcharge.

“(6) The person distraining may before he has appropriated his debt to himself, or the person whose property is being sold may at any time apply to a clerk of the Supreme or District Court for an appointment to tax the costs of the distress and sale. The clerk shall thereupon appoint a place and time for the taxation of the bill of costs, and shall pursuant to such appointment, tax the same according to the provisions of the Consolidated Rules of the Supreme Court of Alberta for the taxation of costs between party and party.”

4. By adding to section 4 the following proviso:

“Provided always that the provisions of this section shall apply only in a distress for rent where the rent in arrears exceeds two months and in other cases only where the amount involved exceeds \$50.”

No. 26.

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FOURTH SESSION  
FOURTH LEGISLATURE  
11 GEORGE V  
1921

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**BILL**

An Act to amend an Act respecting  
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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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HON. J. R. BOYLE.

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER.  
A.D. 1921