

BILL

No. 81 of 1929.

An Act to amend The Extra-Judicial Seizures Act.

(Assented to , 1929.)

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

1. This Act may be cited as "*The Extra-Judicial Seizures Act Amendment Act, 1929.*"

2. *The Extra-Judicial Seizures Act*, being chapter 95 of the Revised Statutes of Alberta, 1922, is amended by adding thereto, as section 2a, immediately after section 2 thereof, the following:

"2a.—(1) Every person authorized under the provisions of section 2, and every officer acting under process issued out of any Court of Record of the Province, who desires to effect a seizure of goods, shall serve upon the debtor, or if he cannot be found, shall attach to the goods which he desires to seize, or some one of them, a notice of seizure in Form A in the schedule to this Act, and a form of notice objecting to the removal and sale of the goods seized in Form B in the said schedule.

"(2) When the debtor cannot be found, the bailiff, or other authorized person, may, if it is impossible otherwise to effect the seizure, break open the door or doors of any building in which the goods may be contained, other than a private dwelling-house.

"(3) Compliance with the provisions of subsection (1) shall constitute a continuing seizure of the goods for a period of ninety days.

"(4) The notice of seizure shall bear a heading in red letters and larger type than the body of the document, as follows: 'Notice of Seizure of Goods.'

"(5) The body of the document shall be in large and legible type and the names of the creditor and debtor shall be filled in by the creditor before serving the same.

"(6) Every notice of seizure shall refer only to goods included in a single transaction.

"(7) The notice of objection to removal and sale shall be accompanied by a stamped envelope addressed to the Clerk of the District Court of the district in which the goods are situated.

"(8) The names of the creditor and debtor must be inserted in the notice of objection, by the creditor, before it is served.

"(9) The debtor, if for any reason he objects to the removal and sale of the goods seized, shall sign the said notice of objection and mail the same to the Clerk of the Court, but neither the absence of the signature nor of the post office address of the debtor shall invalidate the notice of objection, if it be duly mailed.

"(10) In the event of no notice of objection being received by the Clerk within fourteen clear days from the seizure of the goods, the creditor may proceed to remove the goods seized and to dispose thereof as he may be legally entitled.

"(11) If a notice of objection is received within the said fourteen days, the judge, if satisfied that the debtor has had reasonable notice of the hearing, may make an order for the removal or sale of the goods or both, and may in such order provide, with the consent of the creditor, that the seizure of the goods is to satisfy the debt in respect thereof, or any part of such debt, notwithstanding that an agreement or contract between the debtor and creditor may make other provisions with respect thereto, and may make any such order upon such terms and conditions as to costs and otherwise, as he determines, or may suspend the operation of the order, pending the payment of the debt by such instalments as the judge may fix, or the giving of such security or the performance of such other conditions as the judge may impose.

"(12) Every order for sale shall fix a sum of money on payment of which, prior to the sale of the goods, the debtor shall be entitled to a return of the goods seized.

"(13) In any case where a judge directs a sale, he may give leave to any party to bid at the sale, and shall give all necessary or convenient directions as to the place, upset price, and conditions of sale, and may impose such other terms as he may deem fair and necessary.

"(14) In any case where the indebtedness in question exceeds the sum of one hundred dollars, there shall be an appeal from the District Court Judge to a Judge of the Supreme Court in Chambers, from any order or from a refusal to make any order.

"(15) Such appeal shall be subject to the Rules of Court from time to time governing appeals from a local judge or Master of the Supreme Court.

"(16) In this section 'creditor' shall include every person entitled to direct a distress or seizure under any of the authorities mentioned in section 2, to which this Act applies; and 'debtor' shall include any person owning, or having the custody of, goods which the creditor is entitled to seize by reason of the default of such person in the discharge of his obligations under any of the said authorities; and 'judge' shall mean a judge of the District Court of the Judicial District in which the goods are situated."

3. Section 5 of the said Act is hereby struck out.

No. 81.

THIRD SESSION

SIXTH LEGISLATURE

19 GEORGE V

1929

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An Act to amend The Extra-
Judicial Seizures Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMEBURN

WASHINGTON:
W. H. BELDEN, BOOK BINDER
ALB. 1722