

BILL

No. 72 of 1930.

An Act to amend The Extra-Judicial Seizures Act.

(Assented to _____, 1930.)

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, 1930.*"

2. *The Extra-Judicial Seizures Act*, being chapter 96 of the Revised Statutes of Alberta, 1922, is amended as to section 2a thereof—

- (a) by striking out of subsection (1) thereof the words "if he cannot be found"; and
- (b) by striking out of subsection (2) thereof the words "When the debtor cannot be found"; and
- (c) by striking out of subsection (3) thereof the words "for a period of ninety days" and substituting therefor the following: "until the seizure is released by the sheriff or the goods seized have been sold"; and
- (d) by striking out subsection (6) thereof; and
- (e) by adding at the end of subsection (7) thereof the following words: "or, in case the goods are situate in a sub-judicial district, to the Deputy Clerk of such sub-judicial district"; and
- (f) by striking out subsection (12) thereof; and
- (g) by striking out all the words in subsection (13) after the words "at the sale"; and
- (h) by adding thereto, as subsection (17) thereof, the following:

"(17) Notwithstanding any provisions of this section when in the opinion of the bailiff or other authorized person making a seizure it would be necessary or advisable to remove the goods, he may make such removal as will protect the seizure and in the case of perishable goods, he may in his absolute discretion, sell the same without an order, but if the goods are sold the proceeds of the sale thereof shall take the place thereof."

3. The schedule to the said Act is hereby repealed and the following substituted therefor:

SCHEDULE.

To the Clerk of the Supreme or District Court:

1. Every judge's or master in chamber's order under this Act \$1.00

To the Sheriff:

1. For receiving, entering and endorsing every warrant of distress or seizure50
2. For receiving, entering and endorsing every order50
3. Every return of all documents25
4. Every affidavit50
5. Fee on every service, if any50
6. Every warrant to execute any extra-judicial process when given to a bailiff50
7. Every bond required to be taken to the sheriff for securing goods or for indemnity or other process 1.00
8. Every search not being by a party to the cause or his solicitor25
9. Every certificate when required, whether under seal or not50
10. Notice of sale of goods75
Every copy not exceeding seven10
11. Levying distress 1.00
12. Man in possession, per day \$3.00. In case of the failure of the debtor to give his undertaking as bailee, such sum as is necessary and reasonable in the opinion of the taxing officer or a judge.
13. Appraisement, whether by one appraiser or more, two cents on the dollar on the value of the goods up to \$500, and one per cent on the dollar for each additional \$500 or fraction thereof up to \$2,000, and one-half per cent on all sums over that amount.
14. All reasonable and necessary disbursements for advertising.
15. Catalogue, sale, commission and delivery of goods, five per cent on the net proceeds of the goods up to \$1,000 and one and one-half per cent thereafter.
16. On settlement being made after seizure and before sale, a minimum fee of \$1.00 on all sums under \$100; when the sum exceeds \$100 and does not exceed \$500, two and one-half per cent; when the sum is over \$500 and does not exceed \$1,000, two and one-half per cent for \$500 and one and a quarter per cent for the balance up to \$1,000, and when the sum is over \$1,000, two and one-half per cent for \$500, one and a quarter per cent up to \$1,000, and one per cent for the balance.

17. Actual and necessary mileage, travelled and sworn to, from the place where same is severally received or the sheriff's office (whichever is nearer) to the place where any seizure under the authority of any chattel mortgage or bill of sale is made, or in retaking possession of goods under a hire receipt or conditional sale agreement, and return. (Where mileage actually travelled under instructions from the person authorizing the seizure or retaking possession of goods, or from his agent, and no seizure is made by reason of there being no goods liable to seizure or retaking, or by reason of wrong address given, actual expenses incurred, including mileage, to be paid by the party in default) \$.20
18. All necessary and reasonable disbursements for removing and storing goods and removing and keeping live stock and all other disbursements which in the opinion of the judge before whom a question as to the amount of the fees to be allowed under this Act may come for decision, are reasonable and necessary.

4, Form B in the schedule to the said Act is amended by adding thereto the following:

"N.B.—If there is no real reason for objecting to the removal and disposal of the goods, the sending of this notice may result in increased costs to the debtor."

No. 72.

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act to amend The Extra-Judicial
Seizures Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. McLEAN, KING'S PRINTER
A.D. 1930