

Bill No. 23 of 1937.

A BILL TO AMEND AND CONSOLIDATE THE
HOTELKEEPERS ACT.

NOTE.

This Bill replaces *The Hotelkeepers Act* (R.S.A. 1922, ch. 106) and revises and modifies the provisions of that Act so as to meet the requirements of present day conditions.

By section 2 the hotelkeeper is given the right to detain trunks and personal property of persons indebted to him for board or lodging or both.

Section 3 provides for the sale by auction of the property so detained after one month from the beginning of the detention and the giving of public notice of the sale.

Section 4 provides for the disposition of the proceeds of sale.

Section 5 relieves an hotelkeeper from liability for the loss of property of persons who are registered as the occupants of rooms, except where the loss is owing to the default of the hotelkeeper or his employees or the property has been deposited with the hotelkeeper for safe custody.

Section 6 relieves an hotelkeeper from liability to a registered guest in case the rooms are equipped with locks, unless the rooms are locked when unoccupied and the keys are left at the hotel office, and in case the hotelkeeper provides a place for the safe keeping of money and jewellery, he is relieved from liability for money or jewellery of a guest lost from his room; but the exemption from liability does not apply when the loss is caused by the default or neglect of the hotelkeeper or his servants.

By section 7 the hotelkeeper loses the benefit of the Act if he does not provide facilities for the safe keeping of a guest's property.

Section 8 provides for the posting up in the office of the hotel and in guest rooms of a copy of section 6 of the Act and further provides that an hotelkeeper shall be entitled to the benefits of the Act in respect of goods brought into the hotel whilst such copy is so posted up.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 23 of 1937.

An Act to amend and consolidate The Hotelkeepers Act.

(Assented to _____, 1937.)

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 Hotelkeepers Act, 1937.*"

2. Any hotel, boarding or lodging house keeper may detain in his hotel or on his premises the trunks and other personal property of any person who is indebted to him for board and lodgings or either of them and shall be responsible for the safe keeping of the same.

3. In addition to all remedies provided by law, the hotel, boarding or lodging house keeper shall have the right in case the charges for board and lodging or for either of them remain unpaid for one month after the beginning of the detention thereof, to sell by public auction the said trunks and other personal property, on publishing once in a local newspaper at least one week before the intended sale a notice of the intended sale, stating the name of the person indebted for board and lodging or either of them, the amount of his indebtedness, a description of the property to be sold, the time and place of sale, and the name of the auctioneer.

4.—(1) Such hotel, boarding or lodging house keeper may apply the proceeds of the sale in payment of the said indebtedness and the costs of the advertising and sale; and shall pay over the surplus, if any, to the person entitled thereto on application being made by him therefor; and in case application therefor is not forthwith made, he shall immediately pay the same to the Provincial Treasurer to be kept by him for the owner for one year, after which time, if the owner has not previously claimed the amount so kept, the same shall form part of the General Revenue Fund of the Province.

(2) The Provincial Treasurer may entertain any application verified by such affidavit or affidavits as he may require on the part of a mortgagee of the property so sold or on the part of any creditor of the owner of the said property, and may in his discretion pay all or a portion of the said moneys to such mortgagee or creditor as may appear entitled; or the Provincial Treasurer may informally refer the case to a Judge of the Supreme Court or of the District Court, and

the Judge may direct inter-pleader proceedings to be taken where there are more claimants than one, or in any case may, on the production of such evidence as he may deem necessary, make such order as to him seems just:

Provided that the creditors shall be paid according to their priorities.

(3) Such order shall be sufficient authority for the Provincial Treasurer to pay any moneys in his possession according to the terms of the said order.

5. No hotelkeeper shall be liable to make good to any person who is not registered as an occupant of a room or rooms in his hotel any loss of or injury to goods or property brought into his hotel, except in the following cases:

- (a) when such goods or property have been stolen, lost or injured, through the default or neglect of such hotelkeeper or any servant in his employ; or
- (b) When such goods or property have been deposited expressly for safe custody with such hotelkeeper and a check issued therefor.

6. No hotelkeeper shall be liable to make good to any person who is registered as an occupant of a room or rooms in his hotel any loss or injury to any trunks or their contents, or any parcels or personal effects of any kind left by guests, boarders or lodgers in their rooms if there are proper locks and keys for the doors of such rooms, unless the rooms are locked by such guests, boarders or lodgers when not occupying same, and the keys therefor left at the office of the hotel, nor shall such hotelkeeper be liable for any loss of jewellery or money from such rooms if such hotelkeeper has provided a suitable deposit box in which such jewellery or money may be deposited when not being carried by the owner of same; and such jewellery or money when deposited shall be placed in a receptacle fastened and sealed by the person depositing the same:

Provided that such exemption from liability shall not apply when such property has been stolen, lost or injured through the default or neglect of such hotelkeeper or any servant in his employ.

7. If any hotelkeeper refuses to receive for safe custody as before mentioned any goods or property of his guest, or if any such guest through any default of the hotelkeeper is unable to deposit such goods or property as aforesaid, the hotelkeeper shall not be entitled to the benefit of this Act in respect of such goods or property.

8. Every hotelkeeper shall cause to be kept conspicuously posted in the office in his hotel, and in every bedroom ordinarily used for the accommodation of hotel guests, a copy of section 6 of this Act printed or plainly written, and he shall be entitled to the benefits of this Act in respect of such goods

or property only as are brought to his hotel while such copy is so posted as aforesaid.

9. *The Hotelkeepers Act*, being chapter 106 of the Revised Statutes of Alberta, 1922, is hereby repealed.

10. This Act shall come into force on the first day of July, 1937.

THIRD SESSION
EIGHTH LEGISLATURE

1 GEORGE VI

1937

BILL
An Act to amend and consolidate
The Hotelkeepers Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HUGILL.

EDMONTON:
A. Shnitka, King's Printer
1937