

Bill No. 32 of 1937.

A BILL TO AMEND THE SEIZURES ACT.

NOTE.

The amendments made by sections 2 and 3 of this Bill are designed to make it clear that once a seizure of goods is made pursuant to the Act, the goods remain under seizure until the sheriff releases the seizure in writing or the goods are sold.

Section 4 of this Bill relates to the sale by a creditor of goods seized under distress, or under chattel mortgages or conditional sale agreements; it provides that the sheriff may upon the application of the debtor, upon being satisfied that the value of the goods is in excess of the claim against them, direct that the sale of such goods shall be subject to his approval, and thereupon the goods may not be sold without his approval, and the proceeds of sale are to be delivered to the sheriff.

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. 32 of 1937.

An Act to amend The Seizures 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 Seizures Act Amendment Act, 1937.*"

2. *The Seizures Act*, being chapter 16 of the Statutes of Alberta, 1933, is hereby amended as to section 11 thereof,— by striking out the following words "and thereupon and thereafter the goods so seized shall be deemed to be continuously under seizure by the sheriff until such time as the sheriff by notice in writing abandons the seizure or the goods have been sold.";

3. The said Act is further amended as to section 23, by adding at the end thereof the following new subsection:

"(2) Any seizure made pursuant to the provisions of this Act shall be deemed to be a continuing seizure until such time as the sheriff by notice in writing releases the seizure or until the goods or property under seizure have been sold."

4. The said Act is further amended as to section 28 by adding at the end thereof the following new paragraph:

"(c) upon the application in writing to the sheriff by the debtor stating that in his opinion the value of the goods seized is greater than the amount of the creditor's claim and costs, the sheriff being satisfied that it is proper in the circumstances so to do, may direct that the goods seized shall only be sold subject to his approval and in that event no sale of the goods shall be made by the creditor until the approval of the sheriff has been obtained and the proceeds of the said sale shall be paid to the sheriff to be dealt with by him according to law."

5. This Act shall come into force on the day upon which it is assented to.

THIRD SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1937

BILL

An Act to amend The Seizures Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HUGILL.

EDMONTON:
A. Shnitka, King's Printer
1937