

BILL

No. 101 of 1937.

An Act respecting Garagemen's Liens.

(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 Garagemen's Lien Act.*"
2. In this Act, unless the context otherwise requires,—
 - (a) "Garageman" means any person who keeps a place of business which has accommodation for the housing or storage of five or more motor vehicles, and who receives compensation for such housing or storage;
 - (b) "Motor vehicle" means every vehicle propelled by any power other than muscular power except aeroplanes and such motor vehicles as run only on tracks or rails.
3. In addition to every other remedy which a garagekeeper has for the recovery of money owing to him for the storage, servicing, repair or maintenance of any motor vehicle, or for the price of accessories furnished for any motor vehicle, every garagekeeper who is entitled to payment of any sum for all or any of the following, namely; the storage, servicing, repair or maintenance of any motor vehicle and the furnishing of accessories for any motor vehicle, shall have a lien on such motor vehicle for so much of the sum to which he is entitled as aforesaid.
4. Every such lien shall cease and determine on the thirty-sixth day after the day upon which the storage for which the lien is claimed terminated, or the day upon which the motor vehicle was last serviced or the repairs were completed as the case may be, unless before the last mentioned day the garagekeeper files or causes to be filed in the office of the Clerk for the Registration District in which the garagekeeper carries on business, a claim of lien which shall be in Form A in the schedule to this Act.
5. Every lien upon a motor vehicle under this Act shall be postponed to any interest in, or charge, lien or incumbrance on the motor vehicle which is created or arises in

good faith and without express notice of the first mentioned lien, at any time during which the motor vehicle is out of the possession of the person entitled to the lien under this Act, and before the filing of the lien pursuant to this Act.

6. Every such lien shall be signed by the garagekeeper or by some person authorized by him so to do.

7. The fee payable to the Clerk for filing any lien shall be fifty cents (50c), and the Clerk shall deal with all such liens as nearly as possible in the manner prescribed by *The Conditional Sales Act* in case of Conditional Sale Agreements.

8. Upon the filing of any lien pursuant to this Act the same shall continue for a further period of ninety days from the date of filing and shall determine upon the expiration of such period unless proceedings shall have been taken to enforce the lien within such period.

9. At any time whilst the lien under this Act is subsisting, the garageman entitled thereto may issue a warrant addressed to the sheriff, deputy sheriff or assistant sheriff or a sheriff's bailiff, of the Supreme Court of Alberta for the Judicial District in which the car subject to the lien is for the time being, directing the sheriff or other person to whom the warrant is addressed, to seize the motor vehicle within ninety days of the date of filing of the lien, and return the same to the garagekeeper, and it shall be the duty of any of the said persons to whom the warrant is addressed, and they are each hereby empowered to seize the motor vehicle if found anywhere in the Judicial District for which they are appointed and within ninety days of the filing of the lien, and to deliver the same to the garageman.

10. Upon the delivery of any motor vehicle so seized to the garageman, he shall have the same rights and remedies for enforcing his lien against the motor vehicle as if he then had a Possessory Lien for the same amount as the amount of the lien which he has pursuant to this Act, and may enforce the lien in the manner prescribed in *The Possessory Lien Act* in the case of a Possessory Lien.

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

SCHEDULE.

FORM A.

CLAIM FOR LIEN.

A.B. of
(Name of Claimant) (Address of Claimant)
 carrying on the business of a garageman at.....
(State Address)
 pursuant to *The Garagemen's Lien Act*, claims a lien upon
 a certain motor vehicle (*insert here a sufficient description
 of the vehicle*) in respect of (*insert here particulars of
 storage, servicing, repair, maintenance or accessories in
 respect of which the lien is claimed, and the date upon which
 the storage terminated or the motor vehicle was last serviced
 or the repairs were completed, as the case may be*).

The amount for which the lien is claimed is the sum of
 \$.....

The address for service of the claimant is.....

Dated at..... this.....
 day of....., 19.....

.....
Signature of the claimant or his agent.

No. 101.

THIRD SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1937

BILL

An Act respecting Garagemen's
Liens.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HUGILL.

EDMONTON:
A. Shnitka, King's Printer
1937