

BILL

No. 93 of 1939.

An Act Respecting the Sale by Public Auction of Goods and Chattels and to Provide for the Licensing of Auctioneers.

(Assented to , 1939.)

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 Sale of Chattels by Public Auction Act.*"

2. From and after the first day of May, 1939, no person shall within the Province offer for sale any goods or chattels for sale by public auction, or engage in the business of an auctioneer of goods or chattels or hold himself out as an auctioneer at any time at which,—

- (a) he is not the holder of a subsisting license as an auctioneer issued pursuant to this Act; and
- (b) the bond delivered to the Minister pursuant to section 4 or section 5 of this Act is cancelled.

3.—(1) The Minister of Trade and Industry may issue licenses authorizing the person named therein to sell by public auction goods and chattels at any place in the Province upon application being made therefor in such form and setting forth such information as may be prescribed by the Minister, and upon payment of the fee for such license.

(2) Every such license shall expire on the thirty-first day of March following after the date of the issuance thereof.

(3) The fee payable for each license shall be the sum of twenty-five dollars.

4.—(1) No license under this Act shall be issued to any person unless and until such person has delivered to the Minister a bond issued by a company authorized to carry on the business of guarantee and fidelity insurance in the Province in such form as may be approved by the Minister to the effect that the company binds itself to pay the sum of one thousand dollars in the event of the applicant for such license making default in performing his obligations to any person by whom he is employed as an auctioneer, to the Minister, on behalf of such person forthwith upon the hap-

pening of any such event; and containing a provision that such bond shall not be cancelled by the company unless and until the company has given to the Minister notice of intention to cancel the same and until the expiration of thirty days after the notice has been so given.

(2) Any person having a claim against an auctioneer arising out of any default on the part of the auctioneer in the performance of his obligations as an auctioneer to such person at any time during which any bond issued pursuant to this section in respect of such auctioneer is uncanceled, shall, notwithstanding that such person is not a party to such bond, be entitled upon recovering judgment for such claim against the auctioneer to have the sum of one thousand dollars payable under such bond applied in or towards the satisfaction of the amount for which he has so obtained judgment and of any other judgments for similar claims against the auctioneer, and may on behalf of himself and all persons having similar judgments maintain an action against the obligor under the bond to have the sum of one thousand dollars payable thereunder so applied.

5. The Minister shall upon the cancellation of any bond referred to in section 4 suspend or cancel the license of the person to whom the bond relates, and shall not reinstate the license of such person or grant to him a new license until such time as he delivers to the Minister a new bond of the nature set out in section 4.

6. The Minister may suspend or cancel any license issued under this Act upon being satisfied that the licensee has contravened any of the provisions of this Act or has been guilty of an offence under *The Criminal Code* punishable by imprisonment for a term of two years or more.

7. Every sale by public auction of goods and chattels shall be so conducted that all members of the public who desire to attend the same for the purpose of bidding thereat may attend the same.

8. The auctioneer shall at the commencement of any sale by public auction, and in case the same is adjourned at the recommencement of the sale, and before any goods or chattels are offered for sale thereat, read or cause to be read the conditions of sale.

9. No goods or chattels purchased at any sale by public auction shall be removed from the place at which the sale is held unless and until the purchase price therefor has been paid to the auctioneer or other arrangements satisfactory to him have been made for the payment of the purchase price.

10. It shall be the duty of every person who causes any goods and chattels to be offered for sale by auction to deliver to the auctioneer before the sale is held, in case the goods

and chattels are in excess of ten dollars in value a statutory declaration, and in all other cases a statement in writing made or signed by him or by some other person authorized by him who has knowledge of the facts, setting out whether or not any of the goods and chattels are subject to any mortgage, charge, lien or encumbrance, and if so, the full particulars thereof.

11. No auctioneer shall offer for sale by auction any goods or chattels unless he has then in his possession a statutory declaration or a statement in writing, as the case may be, relating to the goods and chattels so offered for sale delivered to him pursuant to section 10 of this Act.

12. Every auctioneer shall,—

- (a) retain in his possession every statutory declaration or a statement in writing, as the case may be, delivered to him pursuant to section 10 of this Act relating to any goods or chattels which he has offered for sale by auction for two years from and after the day when the goods and chattels were so offered for sale; and
- (b) produce the same on demand at any reasonable time to any person having any interest in any goods and chattels to which the same relates; and
- (c) keep a record of every auction sale held by him and shall retain each original record so kept in his possession for two years after the date of the sale to which the record relates; and
- (d) cause to be printed on every auction sale bill, notice of sale and advertisement relating to his business as an auctioneer a statement to the effect that he is a licensed auctioneer together with the number of his license.

13. Every person who contravenes any of the provisions of this Act shall be guilty of an offence and shall be liable therefor on summary conviction to a fine of not less than ten dollars and not more than two hundred dollars, together with costs, and in default of payment to imprisonment for a term of not less than seven days and not more than ninety days.

14. This Act shall not apply to any sale by auction to which *The Seizures Act* applies, or to any sale by auction held by the order of any court of competent jurisdiction, or to any sale by auction of goods and chattels taken in distress under the authority of any statute for the recovery of any tax, rate or imposition made or levied in pursuance thereof or to the sale by auction of live stock held in connection with any regular pure-bred stock or fat stock show or exhibition of any agricultural society or exhibition association if such live stock have been entered and accepted for exhibition or sale at that show or exhibition.

15. None of the provisions of *The Licensing of Trades and Businesses Act* shall apply to the business of an auctioneer of goods or chattels.

16. *The Auction Sales of Chattels Act*, being chapter 11 of the Statutes of Alberta, 1935, is hereby repealed.

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

No. 93.

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

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to Provide for the Licensing
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Received and read the

First time.....

Second time.....

Third time.....

MR. LUSH.

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