

Bill No. 52 of 1946.

A BILL TO AMEND THE MECHANICS' LIEN ACT.

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NOTE.

Section 11b of the Act which is amended by section 1 of the Bill deals with the sale of mortgaged premises which are subject to a mechanics' lien. Subsection (4) which is struck out by the amendment provides that neither the lienholder nor the mortgagee shall have the right to bid at the sale by auction of the lands in question. The amendment authorizes both the mortgagee and lienholder to bid at the sale provided the bid is equal in amount to the value of the premises as fixed by the Court prior to the sale. It is also provided that if the bids are equal, the one having the larger claim shall have the preference.

W. S. GRAY,  
*Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 52 of 1946.

An Act to amend The Mechanics' Lien Act.

(Assented to \_\_\_\_\_, 1946.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Mechanics' Lien Act*, being chapter 236 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 11*b* by striking out subsection (4) thereof and by substituting therefor the following:

“(4) The lienholder or the mortgagee shall have the right to bid or tender at any such sale, provided that any such bid or tender shall be at least equal to the amount of the value of the mortgaged premises including all improvements as determined by the Court pursuant to the provisions of subsection (2), and if both the lienholder and the mortgagee submit the same bid or tender, preference shall be given to the one having the larger claim against the mortgaged premises.

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

THIRD SESSION  
TENTH LEGISLATURE  
10 GEORGE VI  
1946

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**BILL**

An Act to amend The Mechanics'  
Lien Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MAYNARD.

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EDMONTON:  
A. Shnitka, King's Printer  
1946