

Bill No. 41 of 1948.

A BILL TO AMEND THE JUDICATURE ACT

NOTE.

This Bill amends *The Judicature Act*.

Paragraph (p) of section 36 directs that the land must be put up and advertised for sale before a vesting order can be made and at present there is no provision for a consent to foreclosure.

This paragraph is amended and a new paragraph (pp) is added immediately after it to the effect that the advertising and sale are not required in any case where the consent of the debtor has been obtained.

When the debtor consents to foreclosure, compelling the creditor to advertise and put the land up for sale is an unnecessary expense, particularly where the amount owing is greatly in excess of the value of the land and there is no possibility of a sale.

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. 41 of 1948.

An Act to amend The Judicature Act.

(Assented to _____, 1948.)

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

1. *The Judicature Act*, being chapter 129 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 36,—

(a) by adding immediately at the end of paragraph (*p*) thereof the following proviso:

“Provided, however, that nothing contained in this paragraph shall apply to any order *nisi* or order for specific performance to which the consent of the debtor has been obtained;”;

(b) by adding immediately after the proviso to paragraph (*p*) thereof the following new paragraph:

“(*pp*) Notwithstanding the provisions of any order *nisi* or order for specific performance, it shall not be necessary for the land to be advertised or offered for sale in any case where the debtor subsequent to the making of the order consents to a vesting order in the case of a mortgage or to an order of cancellation in the case of an agreement of sale without such advertising or offering for sale;”.

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

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL

An Act to amend The Judicature Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1948