

BILL No. 69 of 1929.

A BILL TO AMEND THE SMALL DEBTS ACT.

NOTE.

This Bill makes provision for the enforcement of the attendance of the debtor in small debt cases.

WALTER S. SCOTT,

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. 69 of 1929.

An Act to amend The Small Debts Act.

(Assented to _____, 1929.)

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 Small Debts Act Amendment Act, 1929.*"

2. *The Small Debts Act*, being chapter 76 of the Revised Statutes of Alberta, 1929, is amended by adding thereto, as section 32a thereof, immediately after section 32, the following:

"32a.—(1) In the event of the defendant not appearing, the justice, upon being satisfied that his non-attendance was wilful, may issue a warrant as hereinafter mentioned, to compel his attendance at a place and on a day and hour mentioned in the warrant, which hour shall not be earlier than eight o'clock a.m.

"(2) Every warrant shall be under the hand and seal of the justice issuing the same, and may be directed either to any constable by name or to such constables or all other constables within the territorial jurisdiction of the justice issuing it, or generally to all constables within such jurisdiction.

"(3) The warrant shall name or otherwise describe the defendant and it shall order the officer or officers, to whom it is directed, to apprehend the offender and bring him before the justice issuing the warrant, or before some other justice to answer to the claim and to be further dealt with according to law.

"(4) When the defendant appears and the claim is proved, he may be examined on oath touching his estate and effects, and in particular as to the means he has of complying with any order that may be made against him, and as to the disposal of any property he has made since the summons was issued.

"(5) Any examination as to his means shall be held in private, and no persons, other than the justice, court officers, plaintiff and defendant, counsel, solicitors and witnesses on behalf of such persons, shall be allowed to be present.

"(6) At the hearing the justice may make an order for payment forthwith or by instalments, or in any other manner that he thinks reasonable or just.

"(7) The costs shall be in the discretion of the justice."

No. 69.

THIRD SESSION
SIXTH LEGISLATURE
19 GEORGE V

1929

BILL.

An Act to amend The Small
Debts Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMEBURN

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