

REPRINTED BILL

BILL

No. 38 of 1933.

An Act to amend The Debt Adjustment Act, 1931.

(Assented to March 6, 1933.)

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 Debt Adjustment Act, 1931, Amendment Act, 1933.*"

2. *The Debt Adjustment Act, 1931*, being chapter 57 of the Statutes of Alberta, 1931, is hereby amended by inserting therein, immediately after section 4 thereof, the following new section:

"**4a.**—(1) Unless the Director issues a permit in writing in a form prescribed giving consent thereto—

- "(a) no action or suit for any legal, equitable or statutory claims, demand, debt, or account, or for any money demand, or choses in action whatsoever; and
- "(b) no action or proceeding for the sale under or foreclosure of a mortgage on land, or for cancellation, rescission or specific performance of an agreement for sale of land or for recovery of possession of land, whether in court or otherwise, except as against over holding tenants or other occupants who have no interest in the title; and
- "(c) no action or proceeding to sell land under or in satisfaction of any judgment or mechanic's lien; and
- "(d) no seizure or distress under an execution or under any lease, lien, chattel mortgage, conditional sale agreement, crop payment agreement or in attornment as tenant under agreement for sale or mortgage, and no sale or other proceeding thereunder either by virtue of rights or property at common law or under a statute passed prior to this Act—

shall be taken, made or continued by any person whomsoever against a resident farmer in any case, or against a resident home owner in case the same relate to or affect the land occupied by the home owner as his home or are for the purpose of enforcing any claim whatsoever founded on or arising out of any mortgage, charge, lien of any kind affecting the said land, or any agreement of sale, option to purchase or the terms of any lease by virtue whereof the resident may become the owner of the said land.

“(2) The consent of the Director under this section whenever given shall relate back to anything done in the action or other proceedings in respect of which the permit is given.”

“(3) For the purposes of this section—

“(a) ‘Resident farmer’ means a person who is an actual resident of and personally living in the Province of Alberta who—

“(i) is *bona fide* engaged in farming operations in the Province;

“(ii) being the owner of a farm property, was personally *bona fide* engaged in farming operations thereon but has retired therefrom, and either leased the said property or sold it under an agreement for sale, or transferred it and taken a mortgage thereon for purchase money on which payments are owing to him;

“(iii) occupies as his home any land of which he is the owner, or may be entitled to become the owner by virtue of any agreement of sale, any option to purchase, or the terms of any lease— and includes the personal representative or representatives, son, daughter, widow or widower of a deceased resident farmer;

“(b) ‘Resident home owner’ means a person who is an actual resident of and personally living in the Province of Alberta and occupies as his home any land of which he is the owner, or may be entitled to become the owner by virtue of any agreement of sale, any option to purchase, or the terms of any lease, and includes the personal representative or representatives, son, daughter, widow or widower of a deceased resident home owner.

“(4) The period during which by reason of the refusal by the Director to grant a permit the right to commence or continue any action or proceeding is suspended shall be excluded in the computation of the time within which an action must be commenced pursuant to the provisions of any statute in force in the Province which limits the time within which actions may be brought, or the time within which any step is required to be taken in any pending action or other proceeding pursuant to any statute or Rule of Court.”

“(5) This section shall not apply to any contract made or entered into by a debtor the whole of the original consideration for which arose after the 1st day of July, 1932.”

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

No. 38.

THIRD SESSION
SEVENTH LEGISLATURE
23 GEORGE V
1933

BILL

An Act to amend The Debt Adjustment Act, 1931.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1933