

Bill No. 52 of 1942.

A BILL TO PROVIDE FOR THE SUSPENSION OF
CERTAIN PROCEEDINGS PENDING THE DETER-
MINATION OF THE VALIDITY OF THE DEBT
ADJUSTMENT ACT, 1937.

NOTE.

This Act is to stay all proceedings to which *The Debt Adjustment Act* applies, pending the determination of the appeal to the Judicial Committee of the Privy Council in order that the rights of debtors may be preserved and to prevent confusion in the law as to the rights of creditors and debtors during that time.

W. S. GRAY,
Acting Legislative Counsel.

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

BILL

No. 52 of 1942.

An Act to provide for the Suspension of certain Proceedings pending the Determination of the Validity of The Debt Adjustment Act, 1937.

(Assented to _____, 1942.)

WHEREAS by a judgement of the Honourable Mr. Justice O'Connor dated March 1, 1941, in the case of the North American Life Assurance Company, plaintiff, and Minnie Helen McLean, defendant, *The Debt Adjustment Act, 1937*, being chapter 9 of the Statutes of Alberta, 1937, was held to be *ultra vires* of the legislature of Alberta;

And whereas the Governor General in Council, pursuant to the authority of section 55 of *The Supreme Court Act* of the Dominion of Canada, caused a reference to be made to the Supreme Court of Canada to determine the validity of the said *The Debt Adjustment Act*;

And whereas by a judgment dated December 2, 1941, the Supreme Court of Canada, Mr. Justice Crocket dissenting, held the said *The Debt Adjustment Act, 1937*, to be *ultra vires* the legislature of the Province of Alberta;

And whereas steps have been taken to petition the Judicial Committee of the Privy Council for special leave to appeal from the decision of the Supreme Court of Canada, and the record of the proceedings in the Supreme Court has been despatched to London, England;

And whereas it is deemed necessary and expedient that the rights of debtors in this Province be preserved and that they should not lose their lands or be otherwise prejudiced pending the final determination of the validity of *The Debt Adjustment Act*;

And whereas it is deemed necessary and desirable to avoid confusion as to the rights of debtors and creditors in the event of the appeal to the Judicial Committee of the Privy Council being allowed in whole or in part;

Now therefore 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 Legal Proceedings Suspension Act, 1942*."

2. All proceedings in every civil action or matter which are, at the time of the coming into force of this Act pending, or which may hereafter be commenced in any Court of the Province, in which action or matter there has been

raised or put in issue by any party to such action or proceeding, the validity or applicability of *The Debt Adjustment Act, 1937*, being chapter 9 of the Statutes of Alberta, 1937, and amendments thereto, or in which action or matter there is available to the defendant or defendants, or any of them, any defence under the provisions of the said Act if valid, are hereby stayed, or shall be stayed until the expiration of a period of sixty days after the determination of the said application for leave to appeal to the Judicial Committee of the Privy Council, or if leave is granted from the appeal resulting therefrom.

3. The period during which proceedings are stayed under this Act shall not be included in the time within which an action or other proceeding is to be commenced under *The Limitation of Actions Act, 1935*, or under any other statute or law for the time being in force in the Province limiting or prescribing the time within which actions or proceedings are to be commenced, and any party to an action or other proceeding which has been stayed, by this Act, shall have the same time for continuing such action or proceeding after the expiry of the period during which actions or proceedings are stayed under this Act as he would have had if the action or proceeding had not been stayed, and shall not be prejudiced by reason of the delay.

4. The provisions of this Act shall not apply to any action or matter authorized by a permit in writing to take or continue proceedings in the said action or matter granted by the Debt Adjustment Board under the provisions of *The Debt Adjustment Act, 1937*.

5. *The Legal Proceedings Suspension Act, 1941*, being chapter 3 of the Statutes of Alberta, 1941, is hereby repealed.

6. This Act shall come into force upon a date to be fixed by proclamation of the Lieutenant Governor in Council.

No. 52.

SECOND SESSION
NINTH LEGISLATURE
6 GEORGE VI
1942

BILL

An Act to provide for the Suspension
of certain Proceedings pending the
Determination of the validity of
The Debt Adjustment Act, 1937.

Received and read the

First time

Second time

Third time

HON. MR. MAYNARD.

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