

Supplementary Order Paper.

LEGISLATIVE COUNCIL.

Wednesday, the 1st Day of October, 1919.

MORTGAGES EXTENSION BILL.

HON. SIR FRANCIS BELL, in Committee, to move the following amendments:—

Clause 4: To insert at the beginning of the clause the words "Save as provided by this section"; and to add the following as a proviso:—

See Mortgages
Extension Act,
1917, section 7.

Provided that if the mortgagor has after the passing of this Act signed a consent in writing to the exercise by the mortgagee of any such power, and such writing is witnessed by a solicitor of the Supreme Court, who certifies in his attestation that such consent was given by his advice, then and in such case the mortgagee may lawfully exercise that power without the leave of the Supreme Court.

To strike out paragraph (d).

Alternatively,

Clause 4: In line 12 to strike out the words "without the leave of the Supreme Court, that is to say:—" and to insert in lieu thereof the words "until the expiration of three calendar months from the date of service upon the mortgagor of notice in writing of the intention of the mortgagee in that respect:—"

N.B.—If this is adopted, then the Bill would be consequentially altered so as to impose upon the mortgagor the obligation of applying to the Court for a motion to restrain the mortgagee from the exercise of the threatened power. The matters to be taken into consideration would be still the same as those defined in clause 5.
