

uction. In both cases, there may happen to be no auction (on account of mere transfer in case of enforcement, or on account of mere agreement in case of removal).

Since it is admitted that the transferee is "entitled to reimbursement of his expenses" for improvements in all these cases, the objection against section 783 is really that it is too narrow to provide only for the case of sales by auction, and that it would be better to provide for the general principle and to say:

"..... he is entitled to reimbursement of his expenses up to the amount of the increase of value at the time of the enforcement or removal".

If deemed necessary, it could be especially added that: "In case of sale by auction, such reimbursement shall be taken out of the proceeds of the sale". *BT*



15th. October 1923.