

Bill No. 44 of 1945.

A BILL TO AMEND THE LAND TITLES ACT

NOTE.

The new definition of "land" inserted by section 1 of this Bill corrects an error in the definition by transferring the words "appertaining thereto" to their proper place in the definition.

Section 2 of the Bill amends section 70 of the Act which deals with registration of a judgment declaring the title of a person in occupation of land for the necessary period under *The Limitation of Actions Act*. The words "by reason of adverse possession" are now inappropriate and in conflict with *The Limitation of Actions Act*.

Section 3 of the Bill amends section 106 of the Act which deals with the registration of an order in a foreclosure action vesting the title in the mortgagee. When such an order is registered the land may be transferred and the title obtained by the transferee cannot be attacked. The amendment protects a mortgagor who may wish to appeal from the foreclosure order by preventing the registration of the order until the Registrar is satisfied no appeal is pending or that if an appeal has been brought, it has been disposed of in favour of the mortgagee. The amendment to subsection (2) of the same section strikes out words which are inappropriate. In this Province there is no such thing as an "order nisi for foreclosure".

W. S. GRAY,
Legislative Counsel.

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

BILL

No. 44 of 1945.

An Act to amend The Land Titles Act.

(Assented to _____, 1945.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Land Titles Act*, being chapter 205 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by striking out paragraph (l) thereof, and by substituting therefor the following:

“(l) ‘Land’ or ‘Lands’ means lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every nature and description, and every estate or interest therein, whether such estate or interest is legal or equitable, together with paths, passages, ways, watercourses, liberties, privileges and easements appertaining thereto and trees and timber thereon, and mines, minerals and quarries thereon or thereunder lying or being, unless any such are specially excepted;”.

2. The said Act is further amended as to section 70 by striking out the words “by reason of adverse possession” where the same occur in subsection (1) thereof.

3. The said Act is further amended as to section 106,—

(a) by adding immediately after subsection (1) thereof the following new subsection:

“(1a) The Registrar shall not register an order vesting the title of land in a mortgagee or incumbrancee made in proceedings taken pursuant to section 105 unless the order is consented to by the mortgagor or his solicitor or is accompanied by a certificate of the Clerk or Deputy Clerk of the Court of the Judicial District or Sub-judicial District in which the order was issued to the effect,—

“(a) that the time for appeal from the order has expired and that no notice of appeal has been filed with him; or

“(b) that a notice of appeal from the order has been duly filed and that the appeal has been finally disposed of, and that the order has not been set aside by the Court on appeal.”;

(b) by striking out the words "of foreclosure" where the same occur in the first line of subsection (2) thereof.

4. That Act shall come into force on the day upon which it is assented to.

No. 44.

FIRST SESSION
TENTH LEGISLATURE

9 GEORGE VI

1945

BILL

An Act to amend The Land Titles
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1945