

Bill No. 62 of 1946.

A BILL TO AMEND THE JUDICATURE ACT

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NOTE.

This Bill adds a new section 36*a* to the above Act. The provisions of the Act mentioned in the new section deal with the terms of an order of foreclosure of a mortgage or of specific performance of an agreement for sale, and provide that the remedy of the mortgagee and vendor are restricted to the land covered by the mortgage or agreement for sale, and make certain other provisions inappropriate to the enforcement of a mortgage or trust deed executed as security for a debenture issue of a corporation. The provisions obviously were not intended to apply to such securities but some question has been raised as to whether they might be so construed, and the proposed amendment is to remove any such doubt.

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. 62 of 1946.

An Act to amend The Judicature Act.

(Assented to \_\_\_\_\_, 1946.)

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

**1.** *The Judicature Act*, being chapter 129 of the Revised Statutes of Alberta, 1942, is hereby amended by adding immediately after section 36 thereof the following new section:

“**36a.** The provisions of clause (ii) of paragraph (f) of section 34, and of paragraphs (o) and (p) of section 36 shall not apply to any action, cause, matter or proceeding for the enforcement of any provision of a mortgage or charge, whether specific or floating, created by a corporation, and contained in any bonds, debentures, or debenture stock of the corporation, or in a trust deed or other like instrument securing the same.”

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

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THIRD SESSION  
TENTH LEGISLATURE  
10 GEORGE VI  
1946

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**BILL**

An Act to amend The Judicature Act.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. MAYNARD.

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