

Bill No. 54 of 1954

A BILL TO AMEND THE JUDICATURE ACT

NOTE

This Bill amends *The Judicature Act*, being chapter 129 of the Revised Statutes of Alberta, 1942.

Section 34, clause (f) is amended to decrease the period of redemption in the case of urban lands to six months.

Section 36 is amended by adding a new clause (r). The new clause empowers the judge after the commencement of the action upon any mortgage or agreement for sale of urban land to appoint a receiver and to fix a rent for any use or occupation of the urban land, where there are no rents and profits arising therefrom.

Section 43, subsection (1), clause (a) is struck out and a new clause is substituted. This clause prescribes the hours during which the offices of the Clerks of the Court are to be kept open. The introduction of the five day week has made necessary a change in the hours set out in this section. The new clause excludes Saturday from the days that the offices of the Clerks of the Court are required to be open.

This Bill comes into force upon assent.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 54 of 1954

An Act to amend The Judicature Act

(Assented to _____, 1954)

HER 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.

Section 34
amended

2. Section 34, clause (f) is amended.

(a) as to subclause (i) by striking out the words "the time for redemption under any such order shall be extended for a period of one year from the date of the coming into force of this Act" and by substituting the following:

"the time for redemption under any such order

"(A) in the case of farm land shall be extended for a period of one year,

"(B) in the case of urban land shall be extended for a period of six months,";

(b) as to subclause (ii) by striking out the words "in the case of a mortgage or by the order for specific performance in the case of an agreement for sale shall be one year from the date of the granting of the order" and by substituting the following:

"granted in an action for foreclosure of a mortgage or by the order for specific performance granted in an action or an agreement for sale

"(A) in the case of farm lands shall be extended for a period of one year,

"(B) in the case of urban lands shall be extended for a period of six months,".

Section 36
amended

3. Section 36 is amended by adding immediately after clause (q) the following new clause:

"(r) notwithstanding clauses (o), (p) and (q) a judge upon application after the commencement of the action upon any mortgage of urban land or upon any agreement for sale of urban land,

"(i) may appoint a receiver, and

“(ii) where there are no rents and profits arising from the urban land may in the order appointing a receiver or on application by the receiver fix a rent for any use or occupation of the urban lands.”.

4. Section 43, subsection (1) is amended by striking out clause (a) and by substituting the following: Section 43 amended

“(a) to attend at the office of the Clerk of the Court and to keep that office open

“(i) between the hours of ten in the forenoon and four-thirty in the afternoon on all days except Saturdays and holidays when the office shall be closed,

“(ii) between the hours of ten in the forenoon and one in the afternoon on all days during vacation except Saturdays and holidays when the office shall be closed.”.

5. This Act comes into force on the day upon which it is assented to. Coming into force

No. 54

SECOND SESSION
TWELFTH LEGISLATURE
3 ELIZABETH II

1954

BILL

An Act to amend The Judicature Act

Received and read the

First time

Second time.....

Third time.....

HON. MR. MAYNARD
