

BILL

No. 53 of 1921.

An Act to amend The Land Titles Act.

(Assented to _____, 1921.)

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

The Land Titles Act, being chapter 24 of the Statutes of Alberta, 1906, is hereby amended as follows:

1. By adding thereto the following section as section 48a:

"48a. When land for which a certificate of title has been granted to the Crown in the right of the province is intended to be transferred, or any right-of-way or other easement is intended to be created or transferred, a Minister of the Crown or any person authorized by statute or by order in council so to do may execute a transfer in form J2 in the schedule to this Act or to like effect:

"Provided always that it shall not be necessary for the Crown or an agent of the Crown to make and subscribe an oath of affirmation required by the transferrer of land under the provisions of section 117 of this Act."

2. By adding thereto the following section as section 50a:

"50a. Any person recovering a judgment against a registered owner of land, declaring that the said person recovering the said judgment is entitled to the exclusive right to use the said land or that he be quieted in the exclusive possession thereof by reason of adverse possession, pursuant to *An Ordinance respecting Limitation of Actions in Certain Cases*, being chapter 31 of the Consolidated Ordinances of the North-West Territories, 1898, or any Act passed in amendment thereof or in substitution therefor, may file a certified copy of such judgment in the land titles office for the proper registration district. At the expiration of three months after the filing thereof, the registrar unless he is satisfied that an appeal from the said judgment is being taken shall make a memorandum upon the certificate of title in the register, cancelling the same, either wholly or partially, according to the tenor of the said judgment and setting forth the particulars of the said judgment."

3. Section 51: By adding after the word "transfer" where the same occurs in line 2 thereof the words "or pursuant to any judgment."

4. Section 53b as enacted by section 15, chapter 3, 1916, and amended by section 6, chapter 4, 1920: By repealing the same, and substituting the following in lieu thereof:

"53b. The provisions of 53a, except subsection (g) thereof, shall *mutatis mutandis* apply to every person, firm, company or corporation constructing any gas or oil pipe line or any other transmission line, pipe or conduit, irrigation ditch, water ditch or drain for which a right-of-way is required."

5. Section 62a, subsection 11, as enacted by section 2 of chapter 3 of the Statutes of Alberta, 1915, and amended by paragraph (c) of subsection 4 of section 40 of chapter 3 of the Statutes of Alberta, 1917: By striking out the words "that the amount of the highest bid was not equal to nor greater than the reserved bid fixed by the registrar" where the same occur therein, and inserting in lieu thereof the following: "that the amount of the highest bid at such sale was not sufficient to satisfy the moneys secured by such mortgage or encumbrance together with the expenses occasioned by such sale."

6. Section 63: By repealing the same, and substituting the following in lieu thereof:

"63. The registrar shall discharge a mortgage or an encumbrance wholly or in part, or the lands comprised therein wholly or in part, according to the tenor of the discharge, and make an entry of the discharge upon the certificate of title affected by such discharge—

"(a) Upon the production of the mortgage or the encumbrance or evidence satisfactory to the registrar of its loss or destruction, together with a discharge in form I in the schedule to this Act signed by the mortgagee or encumbrancee and accompanied by the proper affidavit of execution:

"Provided that where it is expressly stated in a mortgage or an encumbrance to two or more mortgagees or encumbrancees that the money has been advanced on a joint account, it shall be sufficient if the discharge of such mortgage or encumbrance is signed by any one of such mortgagees or encumbrancees;

"(b) Upon the production of a certificate signed by a judge certifying that the judge is satisfied of the payment of all or part of the moneys secured by the mortgage or encumbrance, and that the mortgagee is living, or if dead, that no succession duty or other tax is payable to the Crown in the right of the province with respect to the said mortgage.

"(2) Upon such entry being made upon the certificate of title, the land or the estate or interest in the land, or the portion of the land mentioned or referred to in such endorsement as aforesaid, shall cease to be subject to or

liable for such principal sum or annuity, or, as the case may be, for the part thereof mentioned in such entry as discharged."

7. Section 77, as amended: By striking out the following words: "and upon and from the receipt by the registrar of such copy, all lands and interest in lands, whether such interest be legal or equitable, and any interest of an unpaid vendor of land, shall be bound by such execution" where the same occur between the word "any" where the same first occurs in line 9 thereof and the word "but" where the same occurs in line 13, and substituting the following in lieu thereof: "and upon and from the receipt by the registrar of such copy, all legal and equitable interests of the execution debtor in any lands registered in his name and including any interest of the said debtor as an unpaid vendor of such land, shall be bound by such execution."

8. By repealing form I in the schedule thereto, and substituting the following in lieu thereof:

"FORM I.

"(Sections 29 and 63.)

"Canada
 "Province of Alberta }
 "To the Registrar of the.....Alberta Land
 Registration District:
 "I,....., of.....
 (the mortgagee, encumbrancee or assignee, as the case
 may be) do hereby acknowledge to have received all the
 moneys (or the sum of.....dollars being part of the
 moneys) to become due under the mortgage (or encum-
 brance) made by.....to.....
 which mortgage (or encumbrance) bears date the.....
 day of....., A.D. 19....., and was registered in
 the land titles office for the said land registration district
 at.....minutes past.....o'clock in the.....
 noon of the.....day of....., A.D. 19.....,
 as number.....in Book.....Folio.....,
 that the said mortgage has not been assigned; and that the
 same (or such part of the lands as are hereinafter described,
 that is to say (here give a description of the lands to be dis-
 charged) is wholly discharged, ((or is discharged as to the sum
 of.....dollars (as the case may be.))
 "In witness whereof I have hereunto subscribed my name
 this.....day of....., A.D. 19.....
 "Signed by the above }
 named..... }
 in the presence of } (Signature.)"

9. By adding thereto in the schedule thereof the following form as form J2:

"FORM J2.

"(Section 48a.)

"His Majesty King George the Fifth, in the right of the Province of Alberta, herein represented and acting by the Honourable....., Minister of....., being registered owner of an estate (here state nature of estate), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (or endorsed hereon), in all that certain tract of land containing..... acres more or less, and (here describe property), doth hereby in consideration of the sum of..... dollars paid to the Minister by..... the receipt of which sum is hereby acknowledged, transfer to the said..... all the estate and interest of the Crown in the said piece of land. (When a lesser estate describe such lesser estate.)

"In witness whereof the Honourable....., aforesaid, or....., Deputy Minister of....., has hereunto subscribed his name this..... day of.....

"Signed by the said }
..... }
in the presence of }

(Here insert memorandum of mortgages and encumbrances.)"

10. By striking out form CC in the schedule thereto, and substituting the following in lieu thereof:

"FORM CC.

"I (name of surveyor), of the (place of residence), Alberta Land Surveyor, make oath and say—

"That the survey represented by this plan has been made by me in accordance with the provisions of The Alberta Surveys Act;

"That this survey was performed between the dates of..... and....., A.D. 19....., and that this plan is correct and true and is prepared in accordance with the provisions of The Land Titles Act.

"Sworn before me at the }
..... of..... }
in the Province of Al- }
berta, this..... day } Alberta Land Surveyor."
of..... 19..... }

11. By striking out form HH in the schedule thereto, and substituting the following in lieu thereof:

“FORM HH.

“I (*name of surveyor*), of the (*place of residence*), Dominion Land Surveyor, make oath and say—

“That the survey represented by this plan has been made by me, and that the said plan is correct and true and is prepared in accordance with the provisions of *The Land Titles Act*.

“Sworn before me at the }
.....of..... }
in the Province of Alberta }
this.....day of..... } *Dominion Land Surveyor.*”
19.... }
.....

No. 53.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to amend The Land Titles Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. J. R. BOYLE.

EDMONTON:
J. W. JERRARD, KING'S PRINTER.
A.D. 1921

ADD TO BILL 53.

11. By adding the following forms as forms U2, U3 and U4 respectively:

“FORM U2.

“In the matter of *The Land Titles Act*
and

“In the matter of the.....quarter of
section....., township....., range.....,
west of the.....meridian, in the Pro-
vince of Alberta, or lot....., block.....,
etc. (*as the case may be*).

“I,....., of the.....of
.....in the.....of.....
(*occupation*), make oath and say—

“I am the owner of the above described lands and pro-
pose forthwith to sell, mortgage or otherwise deal with the
same;

“I am not the execution debtor in the action (*or matter,*
as the case may be), (*here give style of cause set out in the*
execution), and was never served personally with any original
process in the said action or matter, and to the best of my
information and belief was never served with such process
substitutionally;

“I am not indebted to the execution creditor in the
amount of the said execution, nor in any amount.

“My place or places of residence during the past twelve
years has or have been as follows: (*here state full post*
office address of the various places of residence of the deponent
during the past twelve years).

“My occupation or occupations during the past twelve
years has or have been as follows: (*Here state occupation*
or different occupations of the deponent).

“My full name and surname is as follows:.....

.....
Sworn before me at the..... }
.....of..... }
in the.....of..... }
this.....day of.....19.. }

.....
A (title of person swearing affidavit).

“FORM U3.

“In the matter of *The Land Titles Act*
and

“In the matter of the.....quarter of
section....., township....., range.....,
west of the.....meridian, in the Pro-
vince of Alberta, or lot....., block.....,
etc. (*as the case may be*).

"The Land Titles Office for the.....Alberta
Land Registration District.
Edmonton or Calgary.

"To.....
"Under the provisions of section 78a of *The Land Titles Act* I hereby notify you that the execution filed by you in an action or matter (*here give style of cause*) against the lands of....., shall at the expiration of.....days from the mailing of this notice to you, cease to affect the following lands, namely (*here describe lands*), standing in the register in the name of....., unless within the said.....days you file with me a certificate continuing the said execution in effect as against such land.
.....
Registrar.

"FORM U4.

"In the matter of *The Land Titles Act*
and

"In the matter of the.....quarter of
section....., township....., range.....,
west of the.....meridian, in the Pro-
vince of Alberta, or lot....., block.....,
etc. (*as the case may be*).

"I, or we,, of the
.....of....., in the.....
of..... or (*give name of a company in full and
address*), the execution creditor in the action (*or matter, as
the case may be*), (*here give style of cause set out in the execu-
tion*), allege that.....
the owner of the above described lands is the execution
debtor in the aforesaid action and that the lands mentioned
therein are subject to the execution herein.

"Dated at the.....of.....
in the.....of....., this
.....day of.....

Signature.

"I am the above named execution creditor, or the agent
for the above named execution creditor, (*as the case may be*).

"I verily believe that the person owning the aforesaid
lands is the execution debtor referred to in the aforesaid
action or matter (*as the case may be*), and that the said
lands are subject to the said execution.

"Sworn before me at the..... }
.....of..... }
in the.....of..... }
this.....day of.....19.. }

"A (*title of person swearing affidavit*)."