

BILL

No. 14 of 1927

An Act respecting Charges on the Estates of Deceased
Persons

(Assented to _____, 1927.)

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

SHORT TITLE

1. This Act may be cited as "*The Property Charges Act.*"

INTERPRETATION

2. In this Act, unless the context otherwise requires—
"Mortgage" includes any charge whatsoever, whether
equitable, statutory or of any other nature, including
any lien for unpaid purchase money.

MORTGAGE DEBTS

3.—(1) Where a person dies possessed of, or entitled to,
or under a general power of appointment by his will dis-
poses of, any interest in property, which at the time of his
death is charged with the payment of money by way of
mortgage, and the deceased has not by will, deed or other
document, signified a contrary or other intention, the inter-
est so charged shall, as between the different persons claim-
ing through the deceased, be primarily liable for the pay-
ment of the charge; and every part of the said interest,
according to its value, shall bear a proportionate part of the
charge on the whole thereof.

(2) Such contrary or other intention shall not be deemed
to be signified—

- (a) by a general direction for the payment of debts or
of all the debts of the testator out of his personal
property or his residuary real or personal property,
or his residuary real property; or
- (b) by a charge of debts upon any such property (unless
such intention is further signified by words express-
ly or by necessary implication referring to all or
some part of the charge).

(3) Nothing in this section shall affect the right of a
person entitled to the charge to obtain payment or satisfac-
tion thereof, either out of the other assets of the deceased
or otherwise.

4. This Act shall come into force on.....

No. 14.

FIRST SESSION
SIXTH LEGISLATURE
17 GEORGE V
1927

BILL

An Act respecting Charges on the
Estates of Deceased Persons

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
▲D. 1927