

BILL

No. 77 of 1930.

An Act to amend The Land Titles Act.

(Assented to _____, 1930.)

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

1. This Act may be cited as "*The Land Titles Act Amendment Act, 1930.*"

2. *The Land Titles Act*, being chapter 133 of the Revised Statutes of Alberta, 1922, is amended as to section 21, subsection (3) thereof, by adding after the words "*The Alberta Gazette*," the words "or of any other order altering the content of the district."

3. Section 22 of the said Act is hereby struck out and the following substituted therefor:

"22. Upon receipt of a copy of the order forming the district or of any other order altering the content of the district from the drainage council or irrigation council, as the case may be, the Registrar shall note upon each certificate of title to a parcel of land shown in the order the fact that such parcel forms part of the said district, or as the case may be, shall remove the note to that effect."

4. Section 62*a* is added to the said Act immediately after section 62, as follows:

"62*a*.—(1) In the event of a registered owner of a parcel of land granting to the Crown or to a public utility company or to a railway company the right to carry its pipes, wires, conductors, or transmission lines, upon, over or under the parcel, upon the registration of the grant by the grantee, the right to use the parcel in accordance with the terms of the grant and all the conditions and covenants expressed therein shall be binding upon and enure to the benefit of the Crown or of the company, its successors and assigns, owners of the utility or of the railway and the grantor, his heirs, executors, administrators and assigns, being owners of the parcel or its successors and assigns, being owners of the parcel, as the case may be.

"(2) Notwithstanding the provisions of subsection (1), the parties to any such grant or their successors, executors, administrators or assigns may at any time by an instrument to that effect duly registered, release any such right and

thereupon the Registrar shall cancel the registration of the grant.

“(3) In the event of a registered owner of a parcel of land granting to the Crown or any Minister thereof the right to use and to permit the public or any part thereof to use the parcel or any part thereof as an intermediate aerodrome for aircraft, or for the site of an aircraft beacon, then upon the registration of the grant by the grantee, the right to use the parcel in accordance with the terms of the grant and all the conditions and covenants expressed therein, shall be binding upon and enure to the benefit of the Crown and the grantor, his heirs, executors, administrators and assigns, being owners of the parcel, or its successors and assigns, being owners of the parcel, as the case may be.

“(4) Notwithstanding the provisions of subsection (3), the Crown may at any time by an instrument to that effect, duly registered, release any such right, and thereupon the Registrar shall cancel the registration of the grant.”

5. Section 97 of the said Act is amended by striking out subsection (3) thereof, and substituting therefor the following:

“(3) Any person entitled to the benefit of a mortgage or incumbrance as defined by section 2 of this Act, may postpone his rights thereunder by filing with the Registrar a postponement in Form U_a in the Schedule to this Act.

“(4) The Registrar shall thereupon register the postponement by entering upon the certificate of title and the duplicate certificate of title a memorandum thereof.

“(5) Such registration shall have the effect of postponing the rights with regard to the land of the person mentioned in the postponement in the same way and to the same extent as if the postponed mortgage or incumbrance had been executed and registered immediately after the mortgage or incumbrance or the last of the mortgages or incumbrances to which it is expressed to be postponed.”

6. Section 114_a is added to the said Act immediately after section 114, as follows:

“**114_a.** ‘Writ of execution’ or ‘execution’ in sections 112, 113, and 114 shall include a certificate of judgment issued under the provisions of section 37, paragraph (o), clause (iii) of *The Judicature Act*; and ‘execution creditor’ shall include a plaintiff in an action registering such certificate; and ‘execution debtor’ shall include the defendant in such action.”

7. Form Ua in the Schedule to the said Act is struck out and the following substituted therefor:

“FORM Ua.

“(Section 97(3).)

“POSTPONEMENT OF MORTGAGE OR INCUMBRANCE.

“CANADA

“PROVINCE OF ALBERTA

“To the Registrar of the.....Alberta Land Registration District:

“I,, of..... (the mortgagee or incumbrancer) hereby agree to the postponement of my rights as.....in the following lands, namely:..... (Here describe the lands mentioned in the mortgage or incumbrance being postponed) to the rights in and to the said lands of..... (Here describe mortgage or incumbrance that is being given priority).

“In witness whereof I have hereunto subscribed my name this.....day of....., A.D. 19..

“Signed by the above named }”
..... }
in the presence of }
..... }

No. 77.

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act to amend The Land Titles
Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. MCLEAN, KING'S PRINTER
A.D. 1930