

Bill No. 67 of 1938.

A BILL RESPECTING THE EXACTION BY VENDORS
AND MORTGAGEES OF FEES, CHARGES AND
COSTS OTHER THAN THE COSTS OF ANY JUDG-
MENT OR ORDER OF A COURT.

NOTE.

This Bill declares any agreement whether entered into before or after the coming into force of this Act whereby any party to a mortgage of land, a chattel mortgage, an agreement for the sale of land or any agreement for sale or conditional agreement of sale of any personal property or the executors or assigns of such party, is made liable for the payment of any fees, charges or costs other than the costs of a judgment or order of a Court of competent jurisdiction, to be utterly null and void (section 2).

It is made an offence to demand payment of any sum on account of any agreement so declared to be null and void, punishable in the case of a corporation by a fine of not more than five hundred dollars and costs, and in the case of a natural person to a fine of not more than one hundred dollars and costs, and in default of payment to imprisonment for not more than six months (section 3).

The right to recover costs recoverable in respect of proceedings under *The Distress Act* or *The Seizures Act* is preserved.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 67 of 1938.

An Act respecting the Exaction by Vendors and Mortgagees
of Fees, Charges and Costs other than the Costs
of any Judgment or Order of a Court.

(Assented to _____, 1938.)

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 Vendors' and Mortgagees' Costs Exaction Act.*"

2. Every covenant, agreement or stipulation, whether entered into before or after the coming into force of this Act, whereby any party to a mortgage of land, a chattel mortgage, an agreement for the sale of any land whether real or personal, or any agreement for sale or conditional agreement of sale of any personal property, or the executors or assigns of any such party, is made liable for the payment of any fees, charges or costs other than the costs of a judgment or order of a court of competent jurisdiction, shall be utterly null and void.

3. Every person who demands or causes to be demanded of any person the payment of any sum on account of any covenant, agreement or stipulation, which is by this Act declared to be null and void, shall be guilty of an offence and shall be liable on summary conviction therefor, in the case of a body corporate to a fine of not more than five hundred dollars and costs, and in the case of a natural person to a fine of not more than one hundred dollars and costs, and in default of payment to imprisonment for a term of not more than six months.

4. Nothing in this Act shall affect the right to recover any costs which may be recovered in respect of any and incidental to proceedings under *The Distress Act* or *The Seizures Act*.

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

SIXTH SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1938

BILL

An Act respecting the Exaction by
Vendors and Mortgagees of Fees,
Charges and Costs other than the
Costs of any Judgment or Order
of a Court.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

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1938