

B I L L

No. 115 of 1938.

An Act to Amend The Limitation of Actions Act, 1935.

(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 Limitation of Actions Act 1935, Amendment Act, 1938".

2.- The Limitation of Actions Act 1935, being chapter 8 of the Statutes of Alberta, 1935, is hereby amended by inserting immediately following section 3 thereof the following new section:

"3a (1) The following actions

(a) Action or suit for the recovery of any money which is recoverable as a liquidated demand or debt in respect of any claim enforceable by virtue of any rule of law or equity or by virtue of any statute, except money payable in respect of rates and taxes payable pursuant to any Statute, and debts owing to a hospital for hospital services; and

(b) Action or proceeding to sell land under or in satisfaction of any judgment or mechanic's lien; and

(c) Action or proceeding for the sale under or foreclosure of a mortgage on land, or for cancellation, rescission or specific performance of an agreement for sale of land or for recovery of possession of land, whether in court or otherwise; and

(d) Proceedings by way of execution, attachment, garnishment, or under a judgment of a court; and

(e) Seizure or distress under an execution or under any lease or any tenancy howsoever created, lien, chattel mortgage, conditional sale agreement, crop payment agreement or in attornment as tenant under any agreement for sale or mortgage, and no sale or other proceeding thereunder either by virtue of rights of property at common law or under a statute passed prior to this Act; and

(f) Proceedings by a lessor, mortgagee, vendor or other person claiming possession of a share of crop in any case where the provisions of The Crop Payments Act apply;

in respect of debts incurred or contracts made or entered into by a debtor where the whole of the original consideration for the contracts arose prior to the 1st day of July 1936 must be commenced before the 1st day of July 1940.

(2) In case of any real or apparent conflict between this section and the other provisions of this Act, the provisions of this section shall prevail.

3.- The said Act is further amended as to section 7 thereof by adding at the end thereof the following new subsection:

(3) The provisions of subsections (1) and (2) shall not apply to any action or debt referred to in section 3A, and an action to recover any such debt may be commenced after the 1st day of July 1940 only in case the person liable for the payment of such debt has since the 1st day of July 1936 and before the last mentioned date by an instrument in writing entered into a new agreement for the payment thereof; and such action may be brought within the period of limitation prescribed in the case of such an action by any provisions of this Act other than section 3A.

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

No. 115

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SIXTH SESSION  
EIGHTH LEGISLATURE  
1 GEORGE VI  
1938

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B I L L

An Act to Amend the  
Limitation of Actions Act,  
1935

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. MAYNARD

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EDMONTON:

A. Shnitka, King's Printer  
1938.