

BILL

No. 34 of 1940.

An Act to Amend The Judicature Act.

(Assented to _____, 1940.)

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 Judicature Act Amendment Act, 1940.*"

2. *The Judicature Act*, being chapter 72 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 37 by inserting immediately after paragraph (q) thereof the following new paragraph:

"(r) The rights of the mortgagee or vendor respectively under any order or judgment heretofore or hereafter obtained in any action heretofore brought upon any mortgage of land, whether legal or equitable, or any agreement for the sale of land, shall, notwithstanding the terms of such order or judgment be restricted to the land to which the mortgage or agreement relates, or foreclosure of the mortgage or cancellation of the agreement for sale as the case may be; and notwithstanding the terms of the said order or judgment the same shall confer no right of any kind upon the mortgagee or vendor respectively for the enforcement of the same by any means whatsoever except by the foreclosure of the mortgage or the cancellation of the agreement for sale, as the case may be;

"Provided however, that this paragraph shall not apply to any action in which final order or judgment has been heretofore obtained for sale or foreclosure of the mortgage, or vesting the lands in the mortgagee, or cancelling or determining the agreement of sale as the case may be."

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

NINTH SESSION
EIGHTH LEGISLATURE
4 GEORGE VI
1940

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An Act to Amend The Judicature Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
A. Shnitka, King's Printer
1940