

Bill No. 78 of 1941.

A BILL TO AMEND THE LIMITATION OF  
ACTIONS ACT

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NOTE.

This Bill changes the period within which an action must be brought upon judgments, mortgages and agreements of sale from "ten years" to "six years". To prevent any prejudice to persons whose right of action might be already barred, section 6 of the Bill extends the time for bringing action to a period of one year unless the right of action would expire within that year under the former law.

The purpose of section 3 of the Bill is to exclude taxes from the operation of the Act.

Section 5 of the Bill prevents the time running (against the creditor) during which proceedings are stayed under *The Farmers' Creditors Arrangement Act, 1934* (Canada).

W. S. GRAY,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 78 of 1941.

An Act to amend The Limitation of Actions Act.

(Assented to \_\_\_\_\_, 1941.)

**H**IS 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, 1941.*"

**2.** *The Limitation of Actions Act, 1935*, being chapter 8 of the Statutes of Alberta, 1935, is hereby amended as to section 3 by striking out the words "within ten years", where they appear in paragraph (i) of subsection (1) thereof, and by substituting therefor the words "within six years".

**3.** The said Act is further amended by inserting immediately after section 3a the following new section:

"**3b.** This Act shall not apply to any action or other proceedings for the recovery of taxes, or penalties or interest on taxes."

**4.** The said Act is further amended as to sections 32, 33, 34, 35, 36 and 37 by striking out the words "ten years", where the same occur in the said sections, and by substituting therefor the words "six years".

**5.** The said Act is further amended by inserting immediately after section 47 the following new section:

"**47a.** Notwithstanding anything contained in this Act, in calculating the time within which any action or other proceedings must be commenced under this Act, the period during which the proceedings are stayed and the period during which a debtor is not in default under a contract or judgment as affected by a proposal binding upon the debtor and his creditors under *The Farmers' Creditors Arrangement Act, 1934 (Canada)*, shall not be included in such calculation."

**6.** The said Act is further amended by adding immediately after section 50 the following new section:

"**50a.** The provisions of section 50 of the Act shall *mutatis mutandis* be applicable to sections 3, 32, 33, 34, 35, 36 and 37 of the said Act as amended."

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

**FIRST SESSION  
NINTH LEGISLATURE  
5 GEORGE VI  
1941**

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**BILL**

An Act to amend The Limitation  
of Actions Act.

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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  
1941