

1906.

An Act respecting the Transfer and Descent of Land in  
the Province.

His Majesty by and with the advice and consent of the  
Legislative Assembly of the Province of Alberta enacts  
as follows:-

Land to be  
considered  
personal  
estate.

1. Land in the Province shall go to the personal  
representatives of the deceased owner thereof and shall  
be dealt with and distributed as personal estate.

Effect of  
transfer.

2. No words of limitation are necessary in any transfer  
of any land in order to transfer all or any title therein,  
but every instrument transferring land shall operate as  
an absolute transfer of all such right and title as the  
transferor has therein at the time of its execution, unless  
a contrary intention is expressed in the transfer; but  
nothing herein contained shall preclude any transfer from  
operating by way of estoppel; and hereafter the introduction  
of any words of limitation into any transfer or devise  
of any land, shall have the like force and meaning, as the  
same words of limitation would have if used by way of  
limitation of any personal estate, and no other.

Effect of  
words of  
limitation.

Devisee to  
take from  
personal  
representative.

3. No devise shall be valid or effectual as against  
the personal representative of the testator, until the land  
affected thereby is transferred to the devisee thereof, by  
the personal representative of the deviser, saving and  
excepting such devises as are made by the testator to his

personal representative, either in his representative capacity or for his own use.

Dower abolished.

4. No widow whose husband died on or after the first day of January, one thousand eight hundred and eighty-seven, shall be entitled to dower in the land of her deceased husband; but she shall have the same right in such land as if it were personal property.

Widow's right.

Tenancy by the courtesy abolished.

5. No husband whose wife died on or after the first day of January, one thousand eight hundred and eighty-seven, shall be entitled to any estate by the courtesy in the land of his deceased wife; but he shall have the same right therein as a wife has in the personal property of her deceased husband.

Husband's right.

Transfer of land to man and wife.

6. Whenever land is transferred to a man and his wife the transferees shall take according to the tenor of the transfer, and they shall not take by entireties unless it is so expressed in the transfer.

Transfers between consorts.

7. A man may make a valid transfer of land to his wife, and a woman may make a valid transfer of land to her husband, without in either case, the intervention of a trustee.

Estate tail abolished; fee simple or other estate substituted.

8. Any devise or limitation, which heretofore would have created an estate tail, shall transfer the absolute ownership, or the greatest estate that the deviser or transferrer had in the land; and no estate in fee-simple shall be changed into any limited fee or fee-tail, but the land, whatever form of words is used in any transfer or transmission or dealing, shall, except as otherwise provided, be and remain an absolute estate in the owner for the time being.

Fee-simple not changeable into limited estate.

Married  
woman to be  
as if feme  
sole.

9. A married woman shall, in respect of land acquired by her on or after the first day of January, one thousand eight hundred and eighty-seven, have all the rights and be subject to all the liabilities of a feme sole, and may, in all respects, deal with land as if she were married.

Adultery by  
wife.

10. If a wife has left her husband, and has lived in adultery after leaving him, she shall take no part of her land.

Adultery by  
husband.

11. If a husband has left his wife, and has lived in adultery after leaving her, he shall take no part of her land.

Illegitimate  
children in-  
herit from  
mother.

12. Illegitimate children shall inherit from the mother as if they were legitimate, and through the mother, if dead, any land which she would, if living, have taken by purchase, gift, devise, or descent from any other person.

Illegitimate  
child dying  
intestate.

13. When an illegitimate child dies intestate, without issue, the mother of such child shall inherit any land which the said child was the owner of at the time of his death,

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of Edward VII, 1906.

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An Act respecting the Transfer and  
Descent of Land in the Province.

Received and read the  
First time..... *May 27 06* .....  
Second Reading..... *the 27th* .....  
Third Reading.....

Mr. *Cross* .....

EDMONTON:

King's Printer.

A. D. 1906.