

Bill No. 63 of 1945.

A BILL TO AMEND THE SOLEMNIZATION OF
MARRIAGE ACT

NOTE.

Section 4 of the Act, amended by section 2 of the Bill, provides that no clergyman shall solemnize a marriage after the publication of banns unless the parties produce to him affidavits to the effect that they are not then infected with a venereal disease or tuberculosis. The amendment changes this requirement by the insertion in the affidavit of the words "to the best of his knowledge".

Section 3 of the Bill amends section 8 by requiring payment of the sum of three dollars for a certificate of publication of banns.

Paragraph (a) of section 4 of the Bill makes the same change with respect to the affidavit on application for a marriage license as is made by section 2 of the Bill. Paragraph (b) of section 4 of the Bill adds a new provision to section 14, requiring an applicant for a marriage license to have a blood specimen taken by a physician within fourteen days before the application or the first publication of banns and a certificate to that effect filed.

Provision is made for the Minister, with the approval of the Lieutenant Governor in Council to make regulations providing for dispensing with this certificate under certain circumstances to be set out in the regulations.

The amendment to section 18, made by section 5 of the Bill, requires monthly returns to be made by the issuers of marriage licenses instead of quarterly returns as now provided in section 18. The new subsection (2a) added to the section requires a clergyman who solemnizes a marriage after publication of banns to attach to the registration of marriage the certificate of publication of banns, the health affidavit, physician's certificate, etc., and forward them to the District Registrar within three days of the marriage.

The Act is to come into force on July 1st, 1945.

W. S. GRAY,
Legislative Counsel.

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

BILL

No. 63 of 1945.

An Act to amend The Solemnization of Marriage Act.

(Assented to _____, 1945.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Solemnization of Marriage Act*, being chapter 303 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2,—

(a) by adding immediately after paragraph (b) thereof, the following new paragraph:

“(bb) ‘Minister’ means the Minister of Health;”;

(b) by adding immediately at the end of paragraph (d) thereof the words “and includes the Deputy Registrar-General”.

2. The said Act is further amended as to section 4 by inserting immediately after the word “then”, where the same occurs in the fourth line of paragraph (b) thereof, the words “to the best of his knowledge”.

3. The said Act is further amended as to section 8 by adding immediately after subsection (1) thereof the following new subsection:

“(1a) The Registrar-General shall not issue a certificate of publication of banns pursuant to the provisions of subsection (1) until he has been paid by the applicant the sum of three dollars for the certificate or certificates necessary for each marriage.”

4. The said Act is further amended as to section 14,—

(a) by adding immediately after the word “then”, where the same occurs in the third line of paragraph (b) of subsection (1) thereof, the words “to the best of his knowledge”;

(b) by adding immediately after subsection (2) thereof the following new subsections:

“(3) No issuer shall issue a marriage license, nor shall any minister or clergyman publish the banns of a marriage unless there has been filed with the issuer or with the minister or clergyman, as the case may be, a certificate of a duly qualified physician registered in and for the Province of Alberta

in Form H of the Schedule in respect of each party to the intended marriage, certifying that a specimen of blood for the serologic test for syphilis has been taken from the applicant and has been sent, or will be sent, to the Provincial Laboratory, or to a laboratory approved by the Director of the Provincial Laboratory, and that the result of the test will be conveyed to the applicant, and showing that the specimen was taken within fourteen days prior to the application for the license or the first publication of banns.

- “(4) The Director of the Provincial Laboratory, or any approved laboratory, as the case may be, shall notify the Director of the Division of Social Hygiene of the Department of Public Health of the results of all tests made pursuant to the provisions of subsection (3) which are found positive, and if the Director of the Division of Social Hygiene is satisfied from the result of the test that treatment is required, he shall see that treatment is made available:

“Provided, however, that if the said Director is not satisfied with the result of the first test, he may arrange to have further tests made.

“(5) The Minister may, with the approval of the Lieutenant Governor in Council, make regulations providing under what circumstances and in what cases and for what reasons an issuer may, notwithstanding the provisions of subsection (3), issue a marriage license notwithstanding that the parties, or one of them, have not filed certificates or a certificate as required by that subsection.

“(6) The medical practitioner who takes a blood specimen pursuant to subsection (3) shall be entitled to receive from the person whose blood specimen is taken, a fee not to exceed the sum of two dollars.

“(7) Each issuer and each clergyman who performs a ceremony of marriage after publication of banns shall forward the certificates in Form H to the Registrar-General with their regular forms, pursuant to the provisions of *The Vital Statistics Act*.

“(8) The provisions of this section, other than paragraph (a) of subsection (1), shall not apply to Indians living on Indian Reserves.”

5. The said Act is further amended as to section 18,—

- (a) by striking out subsection (1) thereof and by substituting therefor the following:

“(1) Every issuer of marriage licenses shall on the first day of each month make a sworn return to the Registrar-General of all licenses issued by him during the preceding month with the names of all the parties to whom issued, and shall accompany

the return with the original affidavits taken in each instance, to which shall be attached the health affidavits (Form E), the physician's blood test certificates (Form H), together with any other forms or documents required under this Act.

- (b) by adding immediately after subsection (2) thereof the following new subsection:

“(2a) When a marriage has been authorized by the publication of banns, the minister or clergyman solemnizing the same shall attach to the registration of marriage, the certificate of publication of banns (Form D), the health affidavits (Form E), the physician's blood test certificate (Form H), together with any other forms or documents required under this Act, and forward them to the District Registrar of Vital Statistics within three days of the date of the solemnization of the marriage.

- 6. The said Act is further amended by adding immediately after Form F in the Schedule the following new Form:

“FORM H.

“(Section 14.)

“Address

Date

“I certify that a specimen of blood for the serologic test for syphilis has been taken from..... of....., on the.....day of....., 19....., and has been sent, or will be sent, to the Provincial Laboratory or to a laboratory approved by the Director of the Provincial Laboratory. The result of the test will be conveyed by me to the aforesaid.....

“.....

*A physician registered in
and for the Province of Alberta.”*

- 7. This Act shall come into force on the first day of July, 1945.

No. 63.

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL

An Act to amend The Solemnization
of Marriage Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.

EDMONTON:
A. Shnitka, King's Printer
1945