

Bill No. 85 of 1949.

A BILL TO AMEND THE SOLEMNIZATION OF
MARRIAGE ACT.

NOTE.

This Bill amends *The Solemnization of Marriage Act*, being chapter 303 of the Revised Statutes of Alberta, 1942.

Section 3 is amended to make it possible for a lieutenant of the Salvation Army to solemnize marriages. This is necessary because of a change in the ranks and duties of Salvation Army personnel which has resulted in a probationary lieutenant now holding the position formerly held by a lieutenant.

A new section 14*a* provides in subsection (1) that thirty days must elapse after a degree absolute of divorce or final declaration of nullity of marriage has been entered before an issuer may issue a license to marry. Thus a license to marry cannot be issued while there is still a possibility of a judgment being appealed. Subsection (2) provides that if an appeal from the final decree or declaration has been entered, a license issuer shall not issue a license until satisfactory proof is furnished that the appeal has been finally disposed of.

Section 21 is amended as to subsection (4) to make it clear that a notice of the application for a license must be sent to the parent or guardian where one of the parties is under the age of twenty-one years.

Section 21 is further amended by adding a new subsection which provides that a license issuer may not issue a marriage license where a person under the age of twenty-one years is a party to the proposed marriage, until the eighth day after the mailing of the notice to a parent or guardian required by section 21.

Section 23 is amended to provide that when application is made to a judge to dispense with the consent of a parent or guardian, notice of the application must be sent to the parent or guardian in order that he may be present at the hearing of the application.

The Bill comes into force on the first day of July, 1949, in order to enable the Registrar General of Vital Statistics to supply his license issuers with the necessary instructions regarding the proposed change in administration.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

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

BILL

No. 85 of 1949.

An Act to amend The Solemnization of Marriage Act.

(Assented to _____, 1949.)

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 3 by adding immediately before the word "lieutenant" where it occurs in paragraph (b) of subsection (1), the word "probationary".

2. The said Act is further amended by adding immediately after section 14 the following new section:

"**14a.**—(1) In any case where either of the parties to an intended marriage has obtained a decree of divorce or a declaration of nullity of marriage, no license issuer shall issue a license to marry until,—

"(a) the expiration of thirty days from the date of entry of the final decree or final declaration; and

"(b) the applicant has filed with the issuer a certificate from the Clerk of the Supreme Court that no appeal has been entered from the final decree or final declaration and that the time for appeal has expired.

"(2) If an appeal from the final decree or declaration has been entered no license issuer shall issue a license to marry until the applicant furnishes evidence satisfactory to the license issuer that the appeal has been finally disposed of."

3. The said Act is further amended as to section 21,—

(a) by striking out the words "Before issuing any marriage license to which this section refers" where they occur in subsection (4), and by substituting the words "Except as otherwise provided in section 6, before issuing any marriage license where either of the parties is under the age of twenty-one years";

(b) by adding immediately after subsection (4) the following new subsection:

"(5) Except as provided in section 6, no license shall be issued in any case where either of the parties is under the age of twenty-one years, until the eighth day after the mailing of the notice required by subsection (4)."

4. The said Act is further amended as to section 23 by adding immediately after the words "may apply" the words "upon notice to the parent or guardian".

5. This Act shall come into force on the first day of July, 1949.

No. 85

FIRST SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL

An Act to amend The Solemnization
of Marriage Act.

Received and read the

First time

Second time

Third time

HON. DR. CROSS.
