

No. 49

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 49

A Bill to amend The Solemnization of Marriage Act

HON. DR. ROSS

Explanatory Note

2(b). Section 2, clause (e) presently reads:

"2. In this Act,

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(e) "Registrar-General" means the Registrar-General of Vital Statistics and includes the Deputy Registrar-General."

Under the proposed The Vital Statistics Act, 1959, the title of the Registrar-General of Vital Statistics is to be changed to the Director of the Division of Vital Statistics and the references in this Act are to be changed accordingly.

3. See note to clause 2.

4. Section 23 subsections (1) and (2) read:

"23. (1) If either of the parties to an intended marriage, not being a widower or widow, is under the age of twenty-one years, then, before a licence is issued in respect of such marriage, or before the publication of the banns, or in other cases before any such marriage is contracted or solemnized, one of the parties to the intended marriage shall deposit with the issuer of marriage licences, or with the clergyman, the consent to the marriage in Form G in the Schedule, of the persons hereinafter mentioned.

- (2) The persons whose consent is required are as follows, that is,
(a) the father and mother, or such of them as are living, of the minor if the minor is under eighteen years of age, and the father, or the mother, if such minor is between the ages of eighteen and twenty-one years, or
(b) if both the father and mother are dead, then a lawfully appointed guardian, or the acknowledged guardian who brought up, or who for three years immediately preceding the intended marriage supported, the minor."

In the cases set out in the proposed subsection (2a) it is, at present, necessary to apply to the Supreme Court for an order dispensing with consent.

BILL

No. 49 of 1959

An Act to amend The Solemnization of Marriage Act

(Assented to _____, 1959)

HER 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 319 of the Revised Statutes, is hereby amended.

2. Section 2 is amended

(a) by adding the following new clause immediately after clause (a):

(a1) "Director" means the Director of the Division of Vital Statistics established under *The Vital Statistics Act, 1959*;

(b) by striking out clause (e).

3. The Act is amended by striking out the word "Registrar-General" wherever it occurs and by substituting the word "Director".

4. Section 23 is amended by adding immediately after subsection (2) the following new subsection:

(2a) Notwithstanding subsection (2) the required consent may be given,

(a) where the parents of a minor are divorced or separated under a decree of judicial separation or a separation agreement, by the parent or other person who has legal custody of the minor;

(b) where one of the parents of a minor under the age of eighteen years is confined in a mental institution, by the other parent or if that parent is dead, then by a lawfully appointed guardian or the acknowledged guardian, who brought up, or who for three years immediately preceding the intended marriage supported the minor;

(c) where the minor is a ward of the government under *The Child Welfare Act*, by the Superintendent of Child Welfare.

5. This Act comes into force on the day upon which it is assented to.

No. 49

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Solemnization
of Marriage Act

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. ROSS
