

1975 Bill 212  
(Second Session)

---

---

First Session, 18th Legislature, 24 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 212**

**THE MATRIMONIAL PROPERTY ACT**

---

---

MR. CLARK

---

---

First Reading .....

Second Reading .....

Third Reading .....

*Bill 212*  
*Mr. Clark*

# **BILL 212**

1975

(Second Session)

## **THE MATRIMONIAL PROPERTY ACT**

*(Assented to \_\_\_\_\_, 1975)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

**1.** In this Act

- (a) "marriage" shall mean a marriage where both parties are domiciled in the Province, and being either
  - (i) a lawful marriage, wherever and whenever contracted, but shall not include a marriage where the parties are living separate and apart by agreement or court order, or
  - (ii) a common law marriage, but shall not include a common law marriage where the parties have lived together for less than three years;
- (b) "property" shall mean real or personal property, wherever situate, which is capable of being disposed of by a will under The Wills Act, but shall not include real property held on January 1, 1977 by the parties to a marriage as joint tenants.

**2.** The parties to any marriage shall be deemed to own all property acquired at any time during the marriage, by either party individually or by both parties jointly or in common, as tenants in common as to each an undivided one-half interest, unless the parties to the marriage both otherwise agree by a settlement in writing prior to January 1st, 1977, or prior to the marriage after that date.

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