

BILL

No. 41 of 1915.

An Act to amend The Statute Law.

(Assented to _____, 1915.)

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

1. This Act may be cited as "*The Statute Law Amendment Act, 1915.*"

2. *The Succession Duties Act*, being chapter 5 of the Statutes of Alberta, 1914, is amended as follows:

1. Form 1, schedule 1: By striking out the word "or" where it appears after the word "declaration" in the thirty-third line of the sixteenth page of the said Act and substituting therefor the word "of".

3. *The Treasury Department Act*, being chapter 5 of the Statutes of Alberta, 1906, is amended as follows:

1. Section 26: By inserting after the word "Canada" in the fourth line thereof the words "or of the province".

4. *The Educational Tax Act*, being chapter 18 of the Statutes of Alberta, 1907, is amended as follows:

1. Section 4, subsection 2: By repealing same and substituting therefor the following:

"(2) Any rural municipality so collecting the said taxes shall be entitled to retain two and one-half per centum of the amount actually collected, to cover the expenses of collection. The balance of the money so collected shall be paid to the Minister of Municipal Affairs on the first day of the month next following the date of collection and shall be accompanied by a statement showing the several amounts collected from occupants of land held under grazing lease or permit from the Government of Canada."

2. Section 4, subsection 3: By repealing same and substituting therefor the following:

"(3) On or before the second day of January in each year every rural municipality shall forward to the Minister of Municipal Affairs a report respecting assessment and taxation under this Act, showing:

"(a) Arrears of taxes at the beginning of the preceding year;

"(b) The amount of the assessment for the preceding year;

"(c) The amount collected and forwarded to the Minister of Municipal Affairs during the preceding year; and

"(d) The amount of arrears at the close of the preceding year."

3. Section 16: By striking out the words "for an amount greater than that assessed hereunder" where they occur in the fourth and fifth lines thereof. This amendment shall be deemed to have been made on the first day of January, 1913, and to take effect therefrom.

5. *The Local Improvement Act*, being chapter 11 of the Statutes of Alberta, 1907, is amended as follows:

1. Section 49: By striking out all the words after the word "year" in the fifth line thereof.

2. Section 49, subsection 1 (a): By adding thereto the following:

"Provided also that any council may pass a resolution for paying the members thereof a sum not exceeding ten cents per mile for every mile necessarily travelled in laying out or inspecting work to be performed for the benefit of the district."

3. Section 52: By striking out the words "one dollar" where they occur in the eighth line thereof and substituting therefor the words "fifty cents", and by striking out the words "fifty cents" where they occur in the eleventh line thereof and substituting therefor the words "twenty-five cents".

4. Section 52: By adding thereto the following subsection:

"(2) In case of land held under grazing lease or permit from the Government of Canada, the tax payable on any quarter section or portion thereof for the purposes of the district shall not exceed \$1.20."

5. Section 65a: By striking out the word "two" in the second line thereof and substituting therefor the word "four".

6. *The Foreclosure and Sale Act*, being chapter 6 of the Statutes of 1914, is hereby repealed, but in all proceedings heretofore taken thereunder the rights of all parties thereto shall be deemed to be the same as if such proceedings had been taken in accordance with the ordinary procedure of the Supreme Court and such proceedings shall be continued in accordance with the ordinary practice and procedure of the said court.

7. *The Act respecting Notaries Public*, being chapter 16 of the Statutes of 1906, is amended by adding thereto the following:

"**9.** Every British Ambassador, envoy, minister, charge d'affaires, and secretary of embassy or legation exercising his functions in any country, and every British consul-general, consul, vice-consul, pro-consul and consular agent exercising his functions in any place may, in that country or place administer any oath and take any affidavit and also do any notarial act which any notary public or commissioner to administer oaths can or may do within the Province of Alberta, and every oath, affidavit and notarial act administered, sworn or done by or before any such person, shall be as effectual as if duly administered, sworn or done by or before any lawful authority in any part of the said province.

"(2) Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal and signature of any person authorized by this section to administer an oath in testimony of any oath, affidavit or act being administered, taken or done by or before him shall be admitted in evidence without proof of the seal or signature of that person or of the official character of that person."

8. Subclause 4 of section 3 of *An Act to amend the Act incorporating The Canadian Northern Western Railway*

Company, being chapter 29 of the Statutes of 1911-1912, is amended by inserting the words "via Hanna" after the word "and" in the fifth line thereof.

9. Clause 6 of the schedule to *An Act to authorize the Guarantee of Certain Securities of The Canadian Northern Western Railway Company*, being chapter 19 of the Statutes of 1911-1912, is amended by inserting the words "via Hanna" after the word "and" in the seventh line thereof.

10. Section 4 of chapter 46 of the Statutes of 1909 is amended by striking out the words "the west end of" where they occur in the fifth and seventh lines thereof.

11. *The Bills of Sale Ordinance*, being chapter 43 of the Consolidated Ordinances, 1898, is amended as follows:

1. Section 32: By striking out the words "the agent or manager" after the word "include" in the fifth line thereof and substituting therefor the words "the general, local or branch manager".

12. *The Act respecting Magistrates and Justices of the Peace*, being chapter 13 of the Statutes of 1906, is amended as follows:

1. Section 8: By striking out the words and figures "LVIII of the Act of Parliament of Canada, known as *The Criminal Code*, 1892," where they occur therein and substituting therefor the following: "XV of chapter 146 of the Revised Statutes of Canada, 1906, being an Act of the Parliament of Canada known as *The Criminal Code*".

2. By adding thereto the following as section 15:

The term of office of P. C. H. Primrose, police magistrate in and for the City of Edmonton, and of Gilbert E. Sanders, police magistrate in and for the City of Calgary, shall be ten years from the first day of January, 1915, unless such office be sooner vacated by death or resignation; provided, however, that they or either of them shall be removable by the Lieutenant Governor on address of the Legislative Assembly.

13. *The Companies Ordinance*, being chapter 20 of the Ordinances of the North-West Territories of 1901, is amended as follows:

1. Section 56, subsection (l): By striking out the word "five" where it appears therein and substituting therefor the word "two".

14. *The Motor Vehicle Act*, being chapter 6 of the Statutes of 1911-12, is amended as follows:

1. Section 3: By repealing the same and substituting therefor the following:

"3. Every person owning a motor vehicle shall for every such vehicle owned by him, file in the office of the Provincial Secretary a statement containing his name and address, with a brief description of the vehicle so owned by him, including the name of the maker, factory number, style of vehicle and the character and amount of the motive power."

2. Section 4: By repealing the same and substituting therefor the following:

"4. The Lieutenant Governor in Council may make regulations regarding the payment of fees for registration."

15. *The Theatres Act*, being chapter 25 of the Statutes of Alberta, 1911-1912, is amended by adding after section 7 thereof the following new section:

“7a. A certificate containing the name of the film, the name of the maker, the exchange and license number, shall be issued by the Provincial Secretary in respect of all films passed or permitted by the censor or board of censors to be exhibited and such certificate shall be displayed in the box office of the theatre in such a manner as to be subject to the observation of all persons entering the theatre and no exhibition of a film for which such certificate has been issued and displayed as aforesaid shall be prohibited by any police officer, constable or any such person on account of anything contained in such film.”

16. *The Agricultural Societies Ordinance*, being chapter 17 of the Ordinances of 1903 (1st Session), is amended as follows:

Section 33, subsection 7: By striking out the figures “\$100” at the end thereof and substituting therefor the following: “\$50 for any one competition nor the sum of \$250 in all.”

17. *The Foreign Companies Ordinance*, being chapter 14 of the Ordinances of 1903 (1st Session), is amended as follows:

Section 2, subsection 1: By inserting after the word “Territories” in the third line thereof the words “or otherwise than by or under the authority of the Parliament of Canada”.

18. *The Game Act*, being chapter 14 of the Statutes of Alberta, 1907, is amended as follows:

1. Section 4: By striking out the words “before the 15th of November, 1915” where the same appear in subsection 3 and substituting therefor the words “at any time”.

2. Section 6: By striking out the figures “1915” in the second line of subsection 4 and substituting therefor the figures “1920”.

3. Section 10: By inserting the words “or parts thereof” immediately after the word “birds” where the same appears in the sixth line.

4. By adding to Section 10 the following new subsection: “(2) The Lieutenant Governor in Council may specify the fees to be paid for permits issued under this section.”

5. Section 34: By striking out the words “or pelt of” in the third line thereof and inserting the words “or pelt thereof” immediately after the word “animal” in the third line thereof.

6. By striking out the table of fees for permits and licenses following section 37.

19. *The Stray Animals Ordinance*, being chapter 80 of the Consolidated Ordinances, 1898, is amended as follows:

1. Section 4: By striking out the word “animal” in lines 2, 4, 7 and 10, and substituting therefor the words “horse or cattle”. By inserting after the word “shall” where the same appears the second time in line 6 of section 4 the words “examine such horse or cattle and”.

2. Schedule, form A: By striking out the word "twenty" in the twelfth line thereof and substituting therefor the word "sixty", and by inserting after the word "elapsed" in the same line the following words: "since the date of the first publication of the notices provided for in section 4."

3. Schedule, form B: (a) By striking out the words "number of miles to sale" and substituting therefor the words "mileage for finder,miles at ten cents per mile".

(b) By striking out the words "mileage at ten cents per mile" and substituting therefor the words "brand reader's fee".

(c) By inserting the words "brand reader's mileage,miles at ten cents per mile".

20. *The Town Act*, being chapter 2 of the Statutes of Alberta, 1911-12, is amended as follows:

1. Section 183: By repealing the same and substituting therefor the following:

"**183.** The by-law may provide that the indebtedness shall be payable in any manner approved by the Minister; provided, however, that if the indebtedness is to be made payable in such a manner that the principal shall be repayable at the end of the period of years during which the debentures are to run, together with interest on such debentures to be paid annually or semi-annually as the council may by by-law provide there shall be raised annually by way of sinking fund a sum sufficient with interest thereon compounded yearly at four per cent. per annum to retire the debentures at maturity and any such sum shall be added each year to the amount of the other rates and taxes of the town and collected along therewith."

2. Section 268a: By adding thereto the following subsection:

"(4) Any person, bank or corporation lending any sum to a town under section 163 hereof shall not be bound to establish the necessity for borrowing the same nor see to the payment of the same by the town into the said school taxes trust fund nor as to the payment out thereof."

3. Section 334: By repealing the same and substituting therefor the following:

"**334.** Each parcel of land included in a certificate of title issued in favour of a town under section 333 hereof shall while the same is owned by the town be assessed in the name of the town for all taxes required to be levied as if the same were assessed to an ordinary individual."

21. *The Rural Municipality Act*, being chapter 3 of the Statutes of Alberta, 1911-12, is amended as follows:

1. Section 225: By adding thereto the following subsection:

"(4) Any person or bank lending any sum to a municipality under this section shall not be bound to establish the necessity for borrowing the same nor see to the payment of the same by the municipality into the said school taxes trust fund nor as to the payment out thereof."

2. Section 319: By repealing the same and substituting therefor the following:

"**319.** Each parcel of land included in a certificate of title in favour of a rural municipality under section 318

hereof shall while same is owned by the rural municipality be assessed in the name of the rural municipality for all taxes required to be levied as if the same were assessed to an ordinary individual."

22. *An Act for Restraining Dangerous and Mischievous Animals*, being chapter 27 of the Statutes of 1913 (2nd Session), is amended by adding thereto the following section:

"**6.** Any sheep or hog which breaks through or under a lawful fence shall be deemed to be a 'notoriously breachy' animal within the meaning of this Act."

23. *The Legislative Assembly Act*, being chapter 2 of the Statutes of 1909, is amended as follows:

Section 53: By adding thereto the following subsection:

"(2) Notwithstanding any provision of this Act, every member on active service with His Majesty's military or naval forces in Canada or abroad, during the third session of the third Legislative Assembly, shall be paid the sum of fifteen hundred dollars by the Provincial Treasurer, together with the travelling expenses allowed by this Act, and a compliance with the provisions of subsections (a) and (b) of section 57 shall not be necessary."

24. *The Mutual Fire Insurance Ordinance*, being chapter 21 of the Ordinances of 1903 (2nd Session), is amended as follows:

1. Section 49: By striking out the words "carrying on business in the Dominion of Canada" in the second and third lines thereof and substituting therefor the words "registered under *The Alberta Insurance Act* or licensed by the Dominion of Canada".

2. Section 71: By repealing the same and substituting therefor the following:

"**71.** The provisions of *The Alberta Insurance Act* shall apply to all policies issued by a mutual company but it shall be optional with the directors to pay or allow claims which are void under the second and twelfth of the statutory conditions in the said Act and to waive the objections therein mentioned."

25. Chapter 13 of the Statutes of Alberta, 1913 (1st Session), being *An Act to incorporate The Alberta Farmers' Co-operative Elevator Company, Limited*, is amended as follows:

1. Section 16: By striking out said section and substituting the following:

"**16.** The directors shall not, without the consent of the Lieutenant Governor in Council, establish any local unless it appear to their satisfaction that the amount of shares held by the supporters of the proposed local is at least equal to the value of the proposed elevator and that the aggregate annual crop acreage of the said shareholders represents a proportion of not less than two thousand acres for each ten thousand bushels of elevator capacity asked for."

2. Section 17: By striking out all the words after the word "local" in the fourth line thereof and substituting therefor the following: "provided he pays for his stock on the same terms as the original shareholder of the said local."

3. Section 26: By striking out said section and substituting therefor the following:

'26. The directors of the company shall appoint a resident auditor, approved by the Provincial Auditor, whose duty it shall be to examine all accounts and vouchers, countersign all cheques and thoroughly inspect and audit all books and accounts of the company and verify all reports and financial statements made by the directors to the shareholders and to the Provincial Treasurer, such audit to be continuously carried on during the year, and such auditor shall make such statements, recommendations and reports to the directors and to the annual meeting of shareholders as may be required."

4. Section 29: By striking out the words "thirtieth" and "June" where they appear in the second line thereof and substituting therefor the words "thirty-first" and "July" respectively.

5. Section 36: By striking out subsection (b) thereof.

6. Section 40: By striking out the said section and substituting therefor the following:

"40. One-quarter of the locals comprising the company may, by resolution passed by a majority in each case of the shareholders supporting any local elevator who actually attend and vote at such meeting called for that purpose by the respective boards of management, request the president to call a special general meeting of the shareholders of the company to discuss the affairs of the company and it shall be the duty of the president to call such special general meeting at the City of Calgary or some other convenient place and to cause all chairmen and secretaries of the local boards of management to be notified of the time and place of such meeting by registered mail at least twenty days in advance of such meeting. Each local shall be entitled to representation at such special general meeting on the same basis as is provided for in the by-laws of the company governing the annual meeting."

7. Section 41: By striking out said section.

26. *The District Courts Act*, being chapter 4 of the Statutes of 1907, is amended as follows:

Section 10: By adding thereto the following subsection:

"(2) Any District Court judge may, upon being requested so to do by the Attorney General, perform in any district any duties imposed upon a District Court judge by any Act or Ordinance of the province.

27. *An Act respecting Commissioners to Administer Oaths*, being chapter 11 of the Statutes of 1913 (2nd Session), is hereby amended by adding thereto after section 5 thereof the following section:

"5a. Every person holding a commission as an officer in His Majesty's military or naval forces, being on active service in Canada or abroad, shall *ex officio* be and every such person is hereby empowered to administer oaths and take and receive affidavits, declarations and affirmations without the Province in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings in any court of law in the Province whether such court exists at the date of the passing of this section or is hereafter constituted; and every oath, affidavit, declaration or affirmation heretofore or hereafter taken or made as aforesaid shall be as valid and effectual and shall be of the

like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits within the Province or other competent authority of the like nature."

28. *The Land Titles Act*, being chapter 24 of the Statutes of 1906, is amended as follows:

1. Section 124: By adding after subsection 8 thereof the following new subsections:

"(8a) No party to any sale or agreement for sale shall be entitled in any civil action or proceeding to rely upon or plead the provisions of subsection 7 of this section, if the plan of subdivision by reference to which such sale or agreement for sale was made was registered when such action or proceeding was commenced, or if, pursuant to the arrangement between the parties, it was the duty of the party who seeks to rely upon or plead the provisions of such subsection to himself register such plan of subdivision or cause the same to be registered.

"(8b) The costs of pending proceedings to which subsection 8a applies shall be disposed of as if the said subsection had not been passed."

29. *The Medical Profession Act*, being chapter 28 of the Statutes of 1906, is amended as follows:

1. Section 11: By striking out the said section and inserting in lieu thereof the following: "The Registrar shall mail to each registered practitioner at least two months before the day on which the election is to be held a notice showing the day on which the election is to be held and the amount of fees, if any, owing by the said practitioner to the Collge."

2. Section 20: By striking out all words after the word "with" in the second last line of the section and inserting the following: "a voting paper in the form A in the schedule to this Act, and such practitioner shall fill in the names of the members he is voting for on the voting paper, or one of the like effect, sign it, and return such voting paper closed to the Registrar on any day preceding the day of election, and any such voting paper received by the Registrar by post or otherwise previous to the day of election shall be deemed delivered to him."

No. 41

THIRD SESSION
THIRD LEGISLATURE
5 GEORGE V
1915

BILL

An Act to amend the Statute Law.

Received and read the

First time

Second time

Third time

HON. MR. CROSS.

EDMONTON:
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A. D. 1915.