

BILL

No. 37 of 1916.

An Act to amend Chapter 51 of the Statutes of Alberta, 1910 (Second Session), being an Act to incorporate High River and Hudson's Bay Railway Company.

(Assented to _____, 1916.)

WHEREAS a petition has been presented praying for an Act amending the Act of incorporation of the High River and Hudson's Bay Railway Company, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Notwithstanding anything contained in *The Railway Act*, or in the said chapter 51 of the Statutes of Alberta, 1910 (Second Session), or in chapter 42 of the Statutes of Alberta, 1913, or in chapter 33 of the Statutes of Alberta, 1914, the time limited for the construction of the railways of the said company, shall begin to run from the time when this Act comes into force, and for the purposes of section 68 of *The Railway Act* the date of the incorporation of the said company shall be deemed and taken to be the date when this Act comes into force.

3. The Lieutenant Governor in Council may appoint—

- (a) An officer who shall be called "the fire commissioner," and shall perform the duties of the fire commissioner prescribed by this Act and such other duties as he may be directed to perform by the Minister or by the regulation of the Lieutenant Governor in Council;
- (b) A deputy to the fire commissioner;
- (c) An inspector known to be competent and skilled in the business of fire insurance and in the inspection of buildings and their conditions. Such person shall have power to enter and inspect buildings, including their contents and occupancies, and shall report to the fire commissioner any faulty or dangerous conditions which are especially liable to result in fire or which endanger buildings or property adjacent;
- (d) Such other officers as he may think fit.

(2) The deputy, when conducting an investigation as to the cause, origin and circumstances of a fire, shall have the same powers as are given the fire commissioner by this Act or by regulation.

5. The chief of the fire department of every city, town and village, in which a fire department is established, and the mayor of any town or the overseer of any village where no fire department exists, and the secretary-treasurer of each rural municipality, shall be by virtue of his office a local assistant to the fire commissioner and subject to his directions in carrying out the provisions hereof within the limits of his jurisdiction, and shall also perform such other duties as may be imposed upon him in connection with the prevention of fires or inspection of buildings by the by-laws of the municipality.

6. The fire commissioner shall enforce all laws in force in the province and regulations made thereunder relative to—

- (a) The prevention of fires;
- (b) The storage, sale, and use of combustibles and explosives;
- (c) The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;
- (d) The construction, maintenance and regulation of fire escapes;
- (e) The means and adequacy of exit, in case of fire, from factories, asylums, hospitals, churches, schools, halls, theatres, amphitheatres and all other places in which numbers of persons work, live or congregate from time to time for any purpose;
- (f) The suppression of arson and investigation of the cause, origin and circumstances of fires.

INVESTIGATION OF FIRES.

7. The local assistants to the fire commissioner shall investigate or cause to be investigated in a general way the cause, origin and circumstances of every fire occurring within the limits of their respective jurisdictions by which property has been destroyed or damaged with a special view to ascertaining whether such fire was the result of negligence, carelessness, accident or design.

(2) Such investigation shall be begun within three days, not including Sunday, of the occurrence of the fire. The local assistant shall, immediately after such investigation, furnish to the fire commissioner on a form to be supplied by the latter a written statement of all the facts relating to the cause and origin of the fire than can be ascertained, and such further information as may be called for by the form.

(3) The fire commissioner, his deputy and local assistants shall have authority at all times, by day or night, in the performance of the duties imposed upon them by this Act or any regulation thereunder, to enter in and upon, and to examine, any building or premises where a fire has occurred, and other buildings, and premises adjoining or near the same deemed necessary in connection with an investigation.

(4) There shall be paid to every local assistant of the fire commissioner the sum of fifty cents for each fire, the damage from which exceeds \$100, reported by him to the satisfaction of the fire commissioner, and, in the case of secretary-treasurer of rural municipalities, in addition thereto, mileage at the rate of 10 cents per mile travelled to and from the place of fire. Such allowance shall be paid by the fire commissioner monthly out of the funds provided for the use of his office.

8. Each licensed fire insurance company shall furnish to the fire commissioner on forms provided for the purpose a statement of every fire that occurs in the province in which it is interested as insurer, showing in each case the name of the assured, his address, the location of the risk, the value of the building and contents, the amount of insurance carried and the amount of loss sustained. Such reports shall be filed in the office of the fire commissioner within seven days after the end of each calendar month.

(2) In case of a fire of suspicious origin, a preliminary report shall be made as soon as possible by the insuring company showing the name of the owner, the occupant of the premises burned, their location, use and occupancy, the date of the fire, and such facts and circumstances as shall come to its knowledge tending to establish the cause or origin of the fire. Such reports shall be in addition to, and not in lieu of, any report that the company may be required to make by any other law of the province.

9. The fire commissioner shall keep in his office a record of all fires occurring in the province together with all facts, statistics and circumstances, including the origin of fires, which may be determined by the investigation, such record being at all times open to public inspection.

10. The fire commissioner or his deputy may investigate the cause, origin and circumstances of any fire by which property has been destroyed or damaged.

(2) The fire commissioner or his deputy may summon witnesses to appear before him, and may require such witnesses to give evidence orally or in writing, upon oath, or, in the case of persons entitled to affirm in civil matters, upon solemn affirmation, and to produce such documents and things as he may deem requisite to the full investigation of the matter under inquiry, and he shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

(3) An investigation held by or under the direction of the fire commissioner or his deputy may, in his discretion, be private, and persons, other than those required to be present by the provisions of this Act, may be excluded from the place where the investigation is held.

11. If upon an investigation the fire commissioner is of the opinion that there is evidence sufficient to charge any person with the crime of arson, or an attempt to commit arson, he shall at once report to the Attorney General and furnish him with all such evidence, together with the names of witnesses and all information obtained by him.

(2) Should the Attorney General prosecute the suspected person, the costs of prosecution shall be payable from the fund mentioned in section 18.

INSPECTION OF BUILDINGS.

12. The fire commissioner, his deputy, the inspector or local assistants, upon complaint of any person interested or, when he or they deem it necessary without such complaint, shall inspect all buildings, and premises within their jurisdiction, and for such purpose may at all reasonable hours enter into and upon any such building or premises.

13. Whenever any of the said officers shall find a building or other structure which, for want of proper repair, or by reason of age and dilapidated condition or for any cause, is essentially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever any such officer shall find in a building or upon premises combustible or explosive material, or inflammable conditions dangerous to the safety of said buildings or premises, he shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said buildings or premises.

14. If the said occupant or owner deems himself aggrieved by any such order made by a person other than the fire commissioner, then in case the order is to remove combustible or explosive material or to remedy an inflammable condition, he may within forty-eight hours appeal therefrom to the fire commissioner and the cause of the complaint shall be at once investigated by the direction of the latter. If the order is not revoked by the fire commissioner, the order whether as originally given or as modified by him shall be forthwith complied with by such owner or occupant, and there shall be no appeal from the order of the fire commissioner in any such matter.

15. In case the order is to repair, remove or destroy a building or other structure which, for want of repair or by reason of age or dilapidated condition or other cause, is especially liable to fire, or to alter the use and occupancy of buildings so occupied that fire would endanger persons or property therein, the person feeling himself aggrieved may appeal within ten days to the fire commissioner, who shall forthwith consider such order, affirm, modify or revoke the same, and cause a copy of his decision to be served upon the party appealing.

16. If the party appealing is dissatisfied with the decision of the fire commissioner, rendered under the previous section, he may, within five days of service upon him of a copy of such decision, apply by petition to the judge of the District Court of the judicial district within which the property lies to review the same.

(2) The party appealing shall file such petition with the clerk of the District Court, and he shall within five days of such filing, or within such extended time as the judge may allow, file with the said clerk a bond in an amount to be fixed by the judge, in no case less than one hundred

dollars, with at least two sufficient sureties to be approved by the judge, conditioned to pay all the costs on such appeal in case he fails to sustain the same, or such costs as may be awarded against him.

(3) Any order made by a judge under this section may be enforced under the provisions of *An Act respecting the Enforcement of Judges' Orders in Matters not in Court*, being chapter 7 of the Statutes of 1908.

17. Nothing shall render it obligatory for the fire commissioner, his deputy or an inspector, to perform in cities, towns or villages such of the duties prescribed by or under the authority of this Act, relating to matters other than the investigation of fires, as are provided for by by-laws of the municipality.

MAINTENANCE OF FIRE COMMISSIONER'S OFFICE.

18. For the purpose of maintaining the office of the fire commissioner and paying the expenses incident thereto, every company, whether upon the stock or mutual plan, transacting the business of fire insurance within the meaning of *The Alberta Insurance Act* shall pay to the Provincial Treasurer in the month of March in each year, in addition to taxes and fees now required by law to be paid by such company, such sum, not exceeding one-third of one per cent. of its premium receipts and assessments, less return premiums and cancellations, reckoned on its fire insurance business as reported to the superintendent of insurance during the preceding calendar year.

(2) From persons insuring with unlicensed companies there shall be collected the same tax as is imposed on licensed companies.

(3) In the year 1916 the payment required by this section may be made on or before the thirtieth day of June.

PENALTIES.

19. Every person who—

- (a) Hinders or disturbs the fire commissioner, his deputy, the inspector or a local assistant in the execution of his duties hereunder;
- (b) Refuses or neglects to attend and be sworn and give evidence before the fire commissioner or his deputy, when summoned so to do; or
- (c) Violates any of the provisions of this Act or any regulation made thereunder, for which violation no other provision is made;

shall be guilty of an offence and liable upon summary conviction to a penalty of not less than \$10 and not more than \$50.

20. Any owner or occupant of buildings or premises who fails to comply with an order of the fire commissioner, his deputy, the inspector or a local assistant, duly made under the authority of this Act, shall be guilty of an offence and liable upon summary conviction to a penalty of not less than \$10 and not more than \$25 for each day's neglect or failure to comply therewith.

21. Any local assistant to the fire commissioner who refuses or neglects to comply with any of the requirements of this Act, or of any regulation made thereunder, shall be guilty of an offence and liable, upon summary conviction, to a penalty of not less than \$10 and not more than \$20.

22. A person or company neglecting or refusing to make the payment required by section 18 of this Act shall be guilty of an offence, and liable, on summary conviction, to a penalty of \$10 for each day's default in addition to the amount which should have been, but has not been paid.

23. All penalties collected under the provisions of this Act shall be paid into the Treasury of the province and form part of the General Revenue Fund.

REGULATIONS.

24. For the purposes of carrying out the provisions of this Act according to their true intent and supplying any deficiency therein, the Lieutenant Governor in Council may make regulations not inconsistent with the spirit of this Act which shall have the same force and effect as if incorporated therein.

POWER TO SUSPEND.

25. The Lieutenant Governor in Council may at any time by order in council suspend the operation of any section or sections of this Act.

REPORT.

26. The fire commissioner shall submit annually to the Minister, on or before the first day of May of each year, a detailed report of his official actions and there shall be included in the annual report of the Superintendent of Insurance such portion of said report as shall be deemed desirable for public information.

27. Chapter 36 of the Consolidated Ordinances of the North-West Territories, 1898, is hereby repealed.