

BILL

No. 39 of 1916.

An Act for the Relief of Volunteers and Reservists.

(Assented to _____, 1916.)

WHEREAS a state of war exists between His Majesty and certain European powers; and

Whereas it is expedient to provide for the protection of the property and interests of such persons as are by this Act declared to be volunteers or reservists;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Volunteers and Reservists Relief Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

1. "Person" includes company, corporation, firm or partnership;

2. "Judge" includes a judge of the Supreme Court or a judge of the District Court;

3. "Volunteer or reservist" means any person male or female resident in the Province of Alberta on the first day of August, A.D. 1914, or at any time thereafter, who has, before the passing of this Act, enlisted as a volunteer in the active military or naval forces raised by the Government of Canada for service in the said war, or who shall after the passing of this Act so enlist, and any person resident as aforesaid who has before the passing of this Act joined either as a volunteer or a reservist the military or naval forces of His Majesty or any of His allies, or who shall after the passing of this Act so join;

4. "Debt" includes rates and taxes.

3. No person shall after the passing of this Act bring any action or take any proceeding, judicial or extra-judicial, against any volunteer or reservist or against his wife or any dependent member of his family for the enforcement of payment of any debt, liability or obligation incurred before the passing of this Act, nor for the enforcement of any mortgage, charge, lien, encumbrance or other security created or arising before the passing of this Act, nor for the recovery of possession of any goods and chattels or lands and tenements in the possession of such volunteer or reservist or in the possession of his wife or any dependent member of his family until one year after the termination of the said state of war or until one year after the discharge of such volunteer or reservist whichever shall first happen.

(2) Any such action or proceeding begun against any person before or after the passing of this Act shall upon such person becoming a volunteer or reservist be stayed until

the expiration of a period of one year after the termination of the said state of war or until the expiration of a period of one year after the discharge of such volunteer or reservist, whichever shall first happen and any such action or proceeding begun or pending against any volunteer or reservist shall upon the passing of this Act be stayed until the expiration of a period of one year after the termination of the said state of war or until the expiration of a period of one year after the discharge of such volunteer or reservist, whichever shall first happen.

4. In case any person against whom any action or proceeding is prohibited or stayed by this Act is, or would be, according to law or practice, a necessary or proper party to any action or proceeding against any other person or persons, such action or proceeding may, notwithstanding anything in this Act, be commenced and carried on as between such other person or persons and the party or parties commencing or carrying on such proceedings, and the court may reserve to any of the other parties to an action or proceeding any rights or remedies or relief over against the party for whose benefit this Act is passed until the expiration of a period of one year after the termination of the said war or until the expiration of a period of one year after the discharge of such person whichever shall first happen.

5. Nothing in this Act shall prevent any defendant against whom any action or proceeding is brought by a person for whose benefit this Act is passed from setting up any defence thereto, or any set-off or counterclaim which he might set up if this Act had not been passed.

6. The running of all statutes of limitations of actions or proceedings in favour of all persons for whose benefit this Act is passed is hereby suspended during such period as any such person is entitled to the protection afforded by this Act.

7. If any property of any kind or interest therein is or shall be held in the name of any person for whose benefit this Act is passed, in trust for the benefit of any other person, then any action or proceeding against such first named person, either alone or along with such other person, in respect of such property or interest therein, or for the purpose of realizing a claim of a creditor of such other person out of such property or interest, may be brought or continued and carried to its conclusion notwithstanding anything in this Act.

8. This Act shall not deprive a mortgagee or person having a charge or security on land of the right to collect and receive the rents or rentable value of such land.

9. On proof to the satisfaction of a judge or master in chambers or registrar of land titles on behalf of a mortgagee or encumbrancee that no one of the parties interested in land is a volunteer or reservist any action or proceeding taken or continued as to such land shall be valid and binding.

10. This Act may be repealed at any time in whole or in part by proclamation of the Lieutenant Governor in Council.

No. 39.

FOURTH SESSION
THIRD LEGISLATURE

6 GEORGE V

1916

BILL

An Act for the Relief of Volunteers
and Reservists.

Received and read the

First time.....

Second time.....

Third time.....

HON. A. L. SIFTON.

EDMONTON:
J. W. JEFFERY, GOVERNMENT PRINTER,
A.D. 1916