

BILL

No. ~~44~~⁴⁵ of 1916.

An Act to amend The Statute Law.

(Assented to _____, 1916.)

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

1. *The Boilers Act*, being chapter 9 of the Statutes of Alberta, 1911-12, is amended as follows:

1. Section 5: By repealing the same and substituting therefor the following:

“5. Every boiler in the province carrying a steam pressure of twenty pounds or more shall be inspected internally and externally or tested by an hydrostatic test in the ratio of one hundred and fifty per cent. of the working pressure, or both, by an inspector at least once every year and at such times as the inspector may see fit.

“(2) Every boiler in the province carrying a steam pressure less than twenty pounds shall be inspected in the manner provided by subsection one hereof at such times as the inspector may see fit.

“(3) No boiler shall be operated at pressures in excess of the safe working pressure stated in the inspection certificate, which pressure is to be ascertained from the regulations.

“(4) In addition to such yearly inspection it shall be the duty of every inspector to inspect, at any time, when in his opinion such examination is necessary, all such boilers within his district as may be reported to him as unsafe, or, as he may have reason to believe have become unsafe from any cause, and to notify the owner of such boiler if a defect is discovered, and of what repairs are necessary.

“(5) If the owner of any boiler proves to the satisfaction of the inspector that his boiler has not been operated since the date of the previous inspection, and is in as good condition as when inspected, the inspector may issue a new inspection certificate without inspecting the boiler and without charging any fee therefor.”

2. *An Act respecting the Alberta and Great Waterways Railway Company*, being chapter 6 of the Statutes of 1913 (Second Session), is amended as follows:

1. Section 5: By striking out the word “two” where it occurs in the fifth line thereof and substituting therefor the word “three”.

3. *An Act to authorize the Guarantee of Certain Securities of the Edmonton, Dunvegan and British Columbia Railway Company*, being chapter 16 of the Statutes of 1911-12 as amended, is amended as follows:

1. Section 8: By striking out the figures “1915” where they occur in the last line thereof and substituting therefor the figures “1916”.

4. *An Act to authorize the Guarantee of Certain Securities of The Canadian Northern Railway Company*, being chapter 14 of the Statutes of 1909 as amended, is amended as follows:

1. Section 7: By striking out the figures "1914" where they occur therein and substituting therefor the figures "1916".

5. *An Act to authorize the Guarantee of Certain Securities of The Canadian Northern Western Railway Company*, being chapter 19 of the Statutes of 1911-12, is amended as follows:

1. Section 7: By striking out the figures "1915" in the last line thereof and substituting therefor the figures "1916".

6. *An Act respecting the Guarantee of Certain Securities of The Canadian Northern Western Railway Company*, being chapter 20 of the Statutes of 1915, is amended as follows:

1. Section 6: By striking out the figures "1915" where they occur in the last line thereof and substituting therefor the figures "1916".

7. *The Pool Room Act*, being chapter 24 of the Statutes of 1911-12, is amended as follows:

1. Section 3: By adding thereto the following:

"Nor shall any proprietor or owner suffer or permit any such person, unaccompanied by his or her parent or guardian, to play any such game or to frequent, remain or loiter in his pool room."

2. By adding thereto the following section as section 14:

"14. Nothing in this Act shall be deemed to affect any right to license pool rooms conferred upon any city, town, village or rural municipality by any Act or Ordinance; provided, however, that no license shall be issued by any such city, town, village or rural municipality until a license under this Act has first been obtained."

8. *An Ordinance respecting Hire Receipts and Conditional Sales of Goods*, being chapter 44 of The Consolidated Ordinances of the Territories, 1898, is amended as follows:

1. Section 2: By adding thereto the following subsections:

"(4) Any such agreement, proviso, or condition as is mentioned in section 1 of this Act shall cease to have effect and the property or right of possession therein mentioned shall be deemed to have passed to the purchaser or bailee after the expiration of two years from the filing of such writing unless within thirty days next preceding the expiration of the said two years a statement of the amount still due for principal and interest on said sale or bailment and of all payments made on account thereof is registered in the office of the registration clerk of the registration district where the property is then situate, with an affidavit of the vendor or bailor or of one of several vendors or bailors or of the assignee or of one of several assignees or of their assigns or of the agent of the vendor or bailor or vendors or bailors duly authorized for that purpose, as the case may be, stating that such statements are true and that the said sale or bailment writing was not kept on foot for any fraudulent purpose or to defeat,

delay or prejudice the creditors of the purchaser or bailee, which statement and affidavit shall be regarded as one instrument:

“Provided that as to any such agreement, proviso or condition contained in any writing which has been registered previous to the passing of this Act and which but for this proviso would by virtue of this subsection cease to have effect before or within six months after the passing hereof the same shall not cease to have effect by reason only of this subsection if the statement herein mentioned is registered within six months after the passing of this Act.

“(5) Another statement in accordance with the provisions of the last preceding subsection duly verified as required thereby shall be filed in the office of the registration clerk of the district where the property is then situate within thirty days next preceding the expiration of the term of one year from the day of the filing of the statement required by the last preceding subsection and in default thereof any such agreement, proviso or condition as is mentioned in section 1 shall cease to have effect and the property or right of possession therein mentioned shall be deemed to have passed to the purchaser or bailee, and so on from year to year, that is to say, another statement as aforesaid duly verified shall be filed within thirty days next preceding the expiration of one year from the day of filing of the former statement and in default thereof such agreement, proviso or condition shall cease to have effect and the property or right to possession pass as aforesaid.”

9. *An Ordinance respecting the Devolution of Estates*, being chapter 13 of the Ordinances of 1901, is amended as follows:

1. By adding thereto after section 1 thereof the following new section as section 1a:

“1a. Where a man dies intestate leaving a widow, then in case one child only has been born to the intestate, either by the wife living at his death or by any former wife, one half of the property of such intestate shall belong to such widow provided that prior to his death she has not left him and lived in adultery after leaving him, and the other half to such child if living or to the legal representatives of such child if deceased.

2. By adding thereto the following new section as section 5 thereof: •

“5. If the parents of a child born out of wedlock afterwards marry, such child shall for the purposes of this Ordinance and for all other purposes, be deemed the legitimate child of such parents.”

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

1. Section 36: By inserting after the word “Speaker” in the second line thereof the words “and to any member who has acted or presided as Speaker as aforesaid”.

2. Section 53, subsection 2: By inserting after the word "abroad" in the third line thereof the words "or in attendance at any school of military instruction", and by striking out the word "third" where it first appears in the fourth line thereof and substituting therefor the word "fourth".

11. *The Alberta Pharmaceutical Association Act*, being chapter 38 of the Statutes of 1910 (Second Session), is amended by adding after section 34 thereof the following new section as section 34a:

"34a. Nothing in this Act shall apply to the sale by any person duly appointed for that purpose by resolution of a 'local union' of the United Farmers of Alberta, or by resolution of the council of a rural municipality, of strychnine or other poison for the destruction of gophers to a member of such 'local union' or to a resident of such rural municipality, provided such poison is sold in sealed glass or metal packages distinctly labeled with the name of the article and the word 'poison,' and, provided further that the seller shall make an entry in a book to be kept for that purpose, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold and the purpose for which it was stated by the purchaser to be required, to which entry the signature of the purchaser shall be affixed."

12. *The Co-operative Associations Act*, being chapter 12 of the Statutes of 1913, is amended as follows:

1. Section 4: By inserting after the word "may" in the seventh line thereof the following:

"At a public meeting held in the locality in which it is proposed to carry on business of which at least two weeks' notice shall have been given in a newspaper published or circulating in such locality by publication of a notice therein, signed by each of such persons, declaring an intention to apply for incorporation, as hereinafter provided, the object for which incorporation is sought, and naming the place and time of such meeting."

13. *The Alberta Insurance Act*, being chapter 8 of the Statutes of 1915, is amended as follows:

1. Section 3: By striking out subsection 1 thereof and substituting therefor the following:

“3. Every insurance corporation which undertakes insurance within the province other than the renewal from time to time of life insurance policies shall pay to the superintendent, for the use of the province, an annual tax as follows:

| | |
|--|----------|
| “1. Every company undertaking— | |
| “ (a) Life insurance..... | \$300.00 |
| “ (b) Fire, storm, cyclone, tornado, inland marine, inland transportation and sprinkler leakage insurance..... | 300.00 |
| “ (c) Hail insurance..... | 200.00 |
| “ (d) Accident (including vehicle and public liability), automobile, sickness and guarantee insurance..... | 200.00 |
| “ (e) One or more of the following: Plate glass, burglary, steam boiler, storm, cyclone, tornado, inland marine, inland transportation and sprinkler leakage insurance.. | 50.00 |
| “ (f) Mutual fire insurance: | |
| If provincial..... | 50.00 |
| If Dominion or foreign..... | 50.00 |
| “ (g) One or more of all other classes of insurance..... | 50.00 |

2. Section 17: (a) By repealing subsection 1 thereof and substituting therefor the following:

“17. Every agent shall pay to the superintendent for the use of the province for each certificate of authority or renewal thereof:

“1. To undertake all classes of insurance except life insurance:

| | |
|-----------------------|---------|
| “In cities..... | \$25.00 |
| “In towns..... | 7.00 |
| “In other places..... | 3.00 |

“2. To undertake life insurance anywhere in the province..... 3.00

“3. To undertake anywhere in the province all classes of insurance except fire or life insurance.. 3.00”

(b) By adding thereto the following as subsection 4 thereof:

“ (4) The fee payable for any certificate issued between the thirty-first day of August in any year and the fifteenth day of February in the year following, shall be such proportion of the annual fee as the Lieutenant Governor in Council shall by order determine.”

3. Section 76, subsection 1: By striking out the word "injured" in the sixth line thereof and substituting therefor the word "insured".

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

1. By adding thereto after section 27 thereof the following section as section 27a:

"**27a.** Any member of the public service or other person employed temporarily or otherwise upon the public business may under any regulations of the treasury board in that behalf be advanced money by the Treasurer out of any appropriation available for the purpose for disbursement upon travelling or other necessary expenses; and every such advance shall be fully accounted for with proper vouchers for all disbursements made, any balance unexpended being returned whenever and so often as such accounting shall be required by the Treasurer or by the regulations under which such advance may be made:

"Provided that irrespective of other direction all advances are to be accounted for fully by the close of each fiscal year."

2. Section 66: By repealing same and substituting therefor the following:

"**66.** The cheques shall be prepared in the Treasury Department and signed by the Treasurer or Acting Treasurer or Deputy Treasurer or any officer or clerk appointed thereunto by the Treasurer or Acting Treasurer and countersigned by the Auditor or some officer or clerk appointed thereunto by the Auditor; and such cheques shall be entered in the books of the audit office; and it shall be the duty of the Auditor with an official of the Treasury Department, not later than the tenth day of each month, to examine the cheque books of that department for the calendar month previous, comparing expenditure with his own appropriation books."

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

1. Section 52: By adding thereto the following as subsection 2 thereof:

"(2) Where a transferee declines to register any such transfer the transferor or the mortgagee may by originating notice call upon the transferee or such other person or persons as the judge may direct to show cause why the same should not be registered, and upon the return thereof the judge may order the registration of the said transfer within a time named or make such further or other order and on such terms as to costs and otherwise as to him shall seem meet."

2. Section 53a: (a) By adding to subsection (a) thereof the following:

"And the said plan shall be sealed with the corporate seal of the railway corporation and countersigned by at least one of the officers thereof."

(b) By repealing subsection (d) thereof and substituting therefor the following:

"(d) The plan shall show the position and nature of all monuments placed in accordance with the provisions of *The Alberta Surveys Act* to define the limits of the

right-of-way, together with a sufficient number of angular and lineal measurements to enable the position of the same to be re-established on the ground."

3. By inserting after section 53a thereof the following new section as section 53b:

"53b. The provisions of section 53a except subsection (g) thereof shall, *mutatis mutandis*, apply to every person, firm, company or corporation, constructing any gas or oil pipe line or any other transmission line, pipe or conduit for which a right of way is acquired."

4. Section 62: (a) By adding thereto the following:

"Provided, however, that where proceedings in respect of any mortgage or encumbrance have already been or hereafter shall have been commenced under the provisions of the next following section, no proceedings under this section for the enforcement of the covenant for payment shall be commenced or if commenced shall be continued until the remedies provided by the next following section are exhausted."

(b) By adding thereto the following subsection as subsection 2 thereof:

"(2) Where any action or proceeding has before the date of the passing of this subsection been taken or shall thereafter be taken in any court either under the provisions of this section or to enforce the observance of the covenants, agreements, stipulations or conditions contained in any agreement for the sale of any land, and personal judgment has been or shall be obtained therein, no execution shall issue thereon until sale of the land mortgaged or agreed to be sold has been had or foreclosure ordered and levy shall then be made only for the amount of the judgment or mortgage debt remaining unsatisfied with costs."

5. Section 62a: By repealing subsection 18 thereof and by substituting therefor the following:

"(18) A judge of the Supreme Court or a master in chambers may, from time to time, upon such terms as he shall think fit, on summary application by any person interested, which application may be made either in person or by attorney or solicitor, on notice to the mortgagee or encumbrancee by order stay any proceeding hereunder, and may upon such terms as he shall think fit on summary application made as aforesaid and on notice to the mortgagor or encumbrancer cancel such stay."

16. *The Private Ditches Act*, being chapter 6 of the Statutes of 1913 (Second Session), is hereby amended by adding thereto the following section:

"40. No person shall interrupt, molest or hinder any engineer appointed under the Act in the discharge of his duties hereunder, nor shall any person obstruct or interfere with any ditch constructed or in process of construction under this Act, and any person violating any of the provisions of this section shall be liable on summary conviction thereof to a penalty not exceeding one hundred dollars and costs and in default of payment thereof forthwith to imprisonment for a term not exceeding two months."

17. *The Children's Protection Act of Alberta*, being chapter 12 of the Statutes of 1909, is amended as follows:

1. Section 2: By striking out the word "seventeen" where it occurs in subsection (a) thereof, and by substituting therefor the word "eighteen".

2. Section 5: (a) By striking out the figures "10,000" in the second line of subsection 1 thereof and substituting therefor the figures "5,000".

(b) By striking out the figures "10,000" in the first line of subsection 5 thereof and substituting therefor the figures "5,000".

18. *An Act respecting Seed Grain, Fodder and Other Relief*, being chapter 14 of the Statutes of 1915, is hereby amended by adding thereto the following sections:

"14. The expression 'Minister' wherever used in this Act shall be taken and construed to include the Minister or Acting Minister or Deputy Minister of the Interior of the Dominion of Canada, or any person authorized or empowered in writing by the said Minister to act for him in the premises.

"15. The said Act shall be read and construed as if the above section 14 had originally been part thereof."

19. *The Mechanics' Lien Act*, being chapter 21 of the Statutes of 1906, is amended as follows:

1. Section 35, subsection 1: By striking out the word "sixty" in the fourth and tenth lines thereof and by substituting therefor in each case the word "thirty".

20. *The Marriage Ordinance*, being chapter 46 of the Consolidated Ordinances of the Territories, 1898, is hereby amended as follows:

1. Section 9: By adding at the end thereof the following proviso:

"and provided further that no license shall be issued or granted for the marriage of any person under the age of fifteen years."

2. Section 11: By repealing the same and substituting therefor the following:

"11. If one or both of the parties to an intended marriage is under the age of twenty-one years, then before a marriage license is issued in respect thereof, or, in case where no marriage license is required, then before the publication of the banns thereof, or before any such marriage is performed or contracted, one of the parties to the intended marriage shall deposit with the issuer of marriage licenses, or with the minister or clergyman or other person authorized by this Ordinance to perform the marriage ceremony, a consent thereto in form G in the schedule hereto of the persons hereinafter mentioned.

"(2) The persons whose consent in such form shall be deposited are:

"(a) The father and mother or such of them as may be living of each of the parties to the intended marriage;

“(b) If both the father and mother of either or both of the parties to the intended marriage are not then living then a lawfully appointed guardian or the acknowledged guardian who may have brought up or may for three years immediately preceding the intended marriage have supported or protected such party or parties respectively:

“Provided that if the father and mother of either or both of the parties to the intended marriage are dead and there shall be no lawfully appointed or acknowledged guardian but such party or parties is or are over the age of eighteen years and is or are earning his or her own livelihood then no such written consent as aforesaid shall be required.”

3. Section 12: By inserting after the word “affidavit” in the sixth line thereof the words “or declaration”.

4. Section 15: By inserting after the word “affidavit” where it appears therein the words “or declaration”.

5. Form B: By substituting the following for the first paragraph of clause 4 thereof:

“4. (*In case one of the parties is under the age of twenty-one years.*)

..... is (*or are*) the person (*or persons*) whose consent to the said marriage is required by law and *he, she* or *they* have formally consented to the said marriage.”

21. *An Ordinance to amend chapter 46 of the Consolidated Ordinances of the Territories, 1898, intituled “An Ordinance respecting Marriages,”* being chapter 17 of the Ordinances of 1901, is amended as follows:

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

“2. In the event of either or both of the parties to an intended marriage objecting to or not being desirous of adopting marriage by a clergyman or minister of any religious denomination or by a commissioner or staff officer of the Salvation Army, then and in that case one of the parties to the intended marriage shall at least fourteen clear days immediately preceding the day of the intended marriage give notice in writing in form C in the schedule hereto to the marriage commissioner whose residence is nearest to that of the parties to the intended marriage or of one of them, and an affidavit taken and sworn in form B in the schedule to *The Marriage Ordinance* and the necessary consents (if any) in form G as provided in section 11 of *The Marriage Ordinance* shall be deposited with such marriage commissioner by one of the parties to the intended marriage; and forthwith upon receipt of such notice, affidavit and consents (if any) the particulars of such intended marriage shall be entered in a book to be kept for that purpose by the marriage commissioner in his office, which said book shall be open to the inspection of the public at all reasonable hours.”

2. Section 4: By inserting after the word “days” in the first line thereof the words “and after the issue of a certificate in form E.”

3. Section 5: By repealing the same and by substituting therefor the following:

“5. In case any Quakers or Doukhobortsi desire to be married according to the rites and ceremonies of their own religion or creed, one of the parties to the intended marriage shall, at least eight days immediately preceding

the day of the intended marriage, give notice in writing in form C in the schedule hereto to the marriage commissioner whose residence is nearest to that of the parties to the intended marriage or of one of them, and an affidavit or declaration taken and sworn or made in form B in the schedule hereto, and the necessary consents (if any) in form G as provided in section 11 of *The Marriage Ordinance* shall be deposited with such marriage commissioner by one of the parties to the intended marriage; and forthwith after the performance of the said rite or ceremony the parties thereto shall make and sign a declaration in form F in the schedule hereto, such declaration being made and signed in the presence of two witnesses who shall each severally attest such declaration by their signatures, and such declaration shall within eight days from the date of such marriage be delivered by one or other of the parties so married to the said marriage commissioner.

“(2) The marriage commissioner shall upon receipt of the notice and declaration, affidavit and consent (if any) as provided in sections 16 and 19 of *The Marriage Ordinance*, forthwith transmit the same to the registrar of the division for the registration of births, marriages and deaths within which the said marriage was solemnized; and such registrar shall deal with the same in the manner in which it is provided by *The Vital Statistics Act* that such registrar shall deal with the forms containing the original entries of marriage reported to him during the month then current.”

4. By repealing form D thereof.

5. By adding thereto the following form:

“FORM G.

“I (or we) hereby consent to the marriage of my (son, daughter or ward) with and I certify that my said is over the age of fifteen years.

“Dated at this day of

“Witness:
.

22. *The Railway Act*, being chapter 8 of the Statutes of 1907, is amended as follows:

1. By striking out the words “Lieutenant Governor in Council” wherever they occur in sections 131, 132 and 133, and substituting therefor the words “Board of Public Utility Commissioners”.

2. By striking out the word “Minister” wherever it occurs in sections 136, 138, 139, 143, 153, 160, 161, 168, 177, 180, 181, 183, 184, 188, 189, 201, 206, 207, 208, 209 and 212, and substituting the words “Board of Public Utility Commissioners”.

3. By inserting after the word “Minister” in the fifth line of section 213, the words “or of the Board of Public Utility Commissioners”.

4. By inserting after the word “Minister” in the fifth and sixth lines of section 217 the words “or the Board of Public Utility Commissioners”.

23. *The Public Utilities Act*, being chapter 6 of the Statutes of 1915, is amended as follows:

1. Section 3: By adding to subsection (b) thereof, immediately after the word "province" where it occurs in the fourth line the following, "or that have by virtue of any agreement with any municipality, submitted to the jurisdiction and control of the board", and by adding after section 3 the following new section as section 3a:

"3a. No municipality shall enter into any agreement with, or grant any franchise to, any company, the business and operations of which are not subject to the Legislative authority of this province, for the operation, management or control of any system, works, plant or equipment for the production, transmission, delivery or furnishing of water, gas, heat, light or power, either directly or indirectly, to such municipality, unless there is contained in such agreement or grant a provision whereby the company agrees to submit the business and operations thereof to the same control and supervision by the Board of Public Utility Commissioners in all respects as any such company would have been subject to had such company come within the provisions or description of subsection (b) of section 2 of *The Public Utilities Act*.

"(2) Such provisions shall, before the final entering into of any such agreement or the granting of any such franchise before mentioned, be submitted for approval to the Board of Public Utility Commissioners.

"(3) Any agreement entered into between any municipality and any such company referred to in this section, or any franchise granted by any municipality to any such company in contravention of this section, shall be absolutely null and void."

2. Section 42: By repealing same and substituting therefor the following:

"42. The board may, where in its opinion the attendance of any witness before the board is desirable, cause to be served upon such witness a notice requiring his attendance before the board which notice shall be signed by a member or the secretary thereof. In all other cases the procedure relating to the attendance of witnesses before the board shall be the same as is now in force, or may for the time being be in force, in the Supreme Court of Alberta."

3. Section 91: By striking out the words "and whenever in sections 108, 110, 112" where they occur in the seventh and eighth lines thereof, and substituting therefor the following, "and wherever in sections 108, 110, 112 and 123".

24. *The Alberta Surveys Act*, being chapter 13 of the Statutes of 1911-12, is amended as follows:

1. Section 24, subsection (b): By adding thereto the following: "in no case shall the limits of a right-of-way be surveyed as spiral curves."

2. By inserting after section 24 thereof the following new section:

"24a. The provisions of section 24 shall, *mutatis mutandis*, apply to every surveyor making a survey of lands and to any survey required for any gas or oil pipe line or any other transmission line, pipe or conduit for which a right-of-way is acquired in the province."

3. Form A of the schedule thereto: By striking out all the words after the words "*The Land Titles Act*" and substituting therefor the following:

“Dated at.....this.....day
of....., 19...., in the presence of
.....”

25. *The Married Women's Relief Act*, being chapter 18 of the Statutes of 1910 (Second Session), is amended as follows:

1. Section 12: By adding thereto the following:
“except as to any position of the estate unadministered at the date of the application.”

26. *An Ordinance to incorporate the President and High Council of The Alberta Stake of Zion*, being No. 43 of the Ordinances of the North-West Territories, 1897, is amended as follows:

1. Section 5: By striking out the word “seven” in the proviso thereto and by substituting therefor the word “twenty”.

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

1. Section 58: By adding thereto the following subsection:

“(3) The council may subject to the approval of the Minister compromise upon such terms as may be agreed upon for payment of arrears of taxes on lands which have been subdivided under a plan registered at the land titles office.”

2. Section 65a: By adding after the word “agriculture” in the last line in the said section the words “or for the payment of gopher bounty as the council shall deem fit”.

3. By adding after section 65b thereof the following new section:

“**65c.** The council may, if it thinks fit, enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all persons who have been resident of the local improvement district for at least three months, who fall ill and who for financial reasons or otherwise are incapable of procuring the necessary medical attendance and treatment. Such agreement may provide for the payment of an annual sum and be subject to special conditions and restrictions as may be agreed upon between the council and the hospital board.”

4. Section 80: By adding thereto the following:

“Provided also that the Minister may compromise upon such terms as may be agreed upon for payment of arrears of taxes on lands which have been subdivided under a plan registered at the land titles office.”

5. Section 87: By repealing subsection 1 thereof and substituting therefor the following:

“**87.** The taxes collected in any large district shall be deposited in a chartered bank to the credit of a district fund in the name of the Minister of Public Works and expended under his direction in making such improvements as may from time to time be required in the district or on roads leading directly to the said district:

“Provided, however, that the expenses incident to the assessment and collection of the taxes and any other necessary expenses in connection with the administration of affairs in the said district shall be a first charge on the funds in the said account.”

6. Section 93: By adding to subsection 1 thereof the following:

“Provided also that notwithstanding the above provision as to redemption fee the Minister may compromise upon such terms as may be agreed upon for the payment of the redemption fees on lands which have been subdivided under a plan registered at the land titles office.”

28. *The Timber Areas Tax Act*, being chapter 15 of the Statutes of 1914, is amended as follows:

1. Section 6: (a) By striking out the words “two and one-half cents” where they occur in the third and fourth lines thereof and substituting therefor the words “one cent”.

(b) By adding to subsection 1 thereof the following:

“Provided, however, that any part of a timber area which lies within the boundaries of a local improvement district, a rural municipality, or a school district, in which the school is in operation, shall be exempt from this tax. This proviso shall apply as though in force on the first day of January, 1915.”

(c) And by adding thereto the following subsection:

“(2) This section shall apply to any proprietor holding timber areas on the first day of March in any year, and such proprietor shall pay the taxes for the then current year, notwithstanding that the lease may have been cancelled prior to the first day of June then following.”

29. *The Wild Lands Tax Act*, being chapter 3 of the Statutes of 1914, is amended as follows:

1. Section 3: By adding thereto the following subsections:

“(19) Patented homesteads where the original homesteader is the owner and is absent on active naval or military service.

“(20) Railway rights-of-way and rights-of-way of irrigation canals.

30. *The Municipal Ordinance*, being chapter 70 of the Consolidated Ordinances of the Territories, 1898, is amended as follows:

1. Section 202: By striking out the word “Crown” where it appears in the sixth line thereof and substituting therefor the following:

“of the Crown or of any consolidated school district, local improvement district, rural municipality or village.”

31. *The Mutual Fire Insurance Ordinance*, being chapter 120 of the Consolidated Ordinances of the Territories, 1898, is hereby amended as follows:

1. By repealing section 66 thereof and by substituting therefor the following:

“66. A company may effect any insurance upon the cash premium principle, for a period not exceeding three years, on farm and other non-hazardous property, and for one year or less on any other class of property; but the amount of cash insurance in any one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount still payable in respect of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under section 42, and the directors shall prepare a tariff of rates for such policies but no single risk shall be undertaken of a larger amount than two thousand dollars.”

32. *The Assignments Act*, being chapter 6 of the Statutes of 1907, is hereby amended as follows:

1. By adding after section 28 thereof the following section:

“28a. If the assignor, at the time of the assignment, is a tenant of property the assignee shall, notwithstanding any provision, stipulation or agreement in any instrument contained, and whether or not he may have entered into possession of the said property, be at liberty within one month from the execution of such assignment, by notice in writing under his hand, delivered to the lessor or landlord, or to his agent, to elect, either to disclaim the assignor's lease or to retain the property either for the unexpired term of any lease under which the said property was held or for such portion of the said term, not exceeding six months, as he shall see fit upon the same terms and conditions as the assignor might have held such property had no assignment been made.

“(2) The lessor or landlord of any property actually occupied by the assignor and used by him in carrying on his business at the date of the assignment, shall not be entitled to distrain upon the goods of the assignor after they have become vested in the assignee, and all goods thus distrained upon shall, on demand, be delivered by the person holding them to the assignee:

“Provided the lessor or landlord shall have a preferential claim against the estate of the assignor—

“1. For arrears of rent—

“(a) To the amount thereof not exceeding four weeks' rent when the lease is at will, or for any term less than one month;

“(b) To the amount thereof not exceeding four months' rent when the lease is for a term of less than one year, and not less than one month;

“(c) To the amount thereof not exceeding six months' rent, in all other cases;

“2. For rent from the date of assignment so long as the assignee shall retain possession of the said property and premises, and for all other rent either for arrears or otherwise, he shall have a claim provable against the estate, only as an ordinary creditor.

“(3) Nothing herein contained shall prevent the assignee under the authority of the creditors from selling, transferring, subleasing or otherwise disposing of any lease or leasehold property, or any interest of the assignor therein, for the unexpired term thereof, or any part thereof, to as full an extent as could have been done by the assignor had no assignment been made; and where consent or leave of the lessor, or any other person to such sale, transfer, sublease, or disposition is or may be required and is refused,

the assignee may upon proper notice to the lessor, landlord, or his agent, apply to the court for approval of such sale, transfer, sublease or disposition.

“(4) This Act shall be deemed to have been in force from the first day of July, 1911, and any disclaimer heretofore given shall be deemed to be good notwithstanding any defect in form, or whether the same was by word of mouth or in writing, but it shall not be construed to affect in any way proceedings already taken.”

33. *The Companies Ordinance*, being chapter 20 of the Ordinances of 1901 as amended, is amended as follows:

1. Section 5: By striking out the words “except hail insurance” where they appear therein.

2. Section 52: By adding thereto the following subsections:

“(2) Nothing in this section shall prevent a mining company or a company whose assets are of a wasting character from declaring or paying dividends out of its funds derived from the operations of the company.

“(3) The powers conferred by subsection 2 may be exercised notwithstanding that the value of the net assets of the company may be thereby reduced to less than the par value of the issued capital stock of the company if the payment of the dividends does not reduce the value of its remaining assets so that they will be insufficient to meet all the liabilities of the company exclusive of its nominal paid up capital.

“(4) A dividend may be paid by any such company distributing in specie or in kind assets of the company not exceeding the amount of the dividend.

“(5) The powers conferred by subsection 2 shall not be exercised by any such company unless under the authority of a resolution passed by the directors and confirmed at a general meeting duly called for the purpose of considering the same by a vote of the shareholders present or represented by proxy and holding not less than two-thirds of the issued capital stock represented at such meeting.

“(6) Where dividends have already been paid by such a company in any of the cases mentioned in subsection 2, the payment thereof shall be deemed valid if a resolution adopting and approving the same is passed by the directors and approved by vote of the shareholders in the manner mentioned in subsection 5.”

34. *An Act respecting Inquiries Concerning Public Matters*, being chapter 2 of the Statutes of 1908, is amended as follows:

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

“1. The Lieutenant Governor in Council may, whenever he deems it expedient and in the public interest to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislative Assembly either connected with the good government of the province or the conduct of the public business thereof, or which he shall by his commission declare to be a matter of public concern, appoint a commissioner or commissioners to make such inquiry and to report thereon.”

2. Section 2: (a) By striking out the word “commissioners” where it appears therein and substituting therefor the words “commissioner or commissioners”.

(b) By inserting after the word "before" in the third line thereof the words "him or".

(c) By inserting after the word "which" in the eighth line thereof the words "he or".

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

1. Section 2: By adding thereto the following:

"Provided also that the Minister may compromise upon such terms as may be agreed upon for payment of arrears of taxes on lands which have been subdivided under a plan registered at the land titles office."

2. Section 13: By adding to subsection 1 thereof the following:

"Provided also that notwithstanding the above provision as to redemption fee the Minister may compromise upon such terms as may be agreed upon for the payment of the redemption fees on lands which have been subdivided under a plan registered at the land titles office."

3. Section 17a: By repealing the same and substituting therefor the following:

"17a. All of the moneys received by the Provincial Treasurer under the provisions of the last preceding section in respect of the taxes levied and collected under an assessment and levy made during the year 1915, or in any year thereafter, on land held under grazing lease or permit from the Government of Canada, shall be deposited by him in the general revenue fund as a special account, and shall be expended by him from time to time under the direction of the Minister of Education in accordance with the provisions of section 3b of *The School Grants Act*."

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

1. Section 33: By striking out clause 4 thereof and substituting therefor the following:

"4. For every search, 25 cents."

37. *The Companies Winding-Up Ordinance*, being chapter 13 of the Ordinances of 1903, is amended as follows:

1. By adding after section 3 thereof the following new section as section 3a:

"3a. At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a declaration of the chairman that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

"(2) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a poll may be demanded, if demanded by three persons for the time being entitled according to the articles to vote, unless the articles of the company require a demand by such number of such persons, not in any case exceeding five, as may be specified in the articles.

“(3) When a poll is demanded in accordance with this section, in computing the majority on the poll reference shall be had to the number of votes to which each member is entitled by the articles of the company.

“(4) For the purposes of this section notice of a meeting shall be deemed to be duly given and the meeting to be duly held when the notice is given and the meeting held in the manner provided by the articles.”

38. *The Coroners Act*, being chapter 15 of the Statutes of 1906, is hereby amended by adding to section 6 thereof the following subsection:

“(3) Before issuing any such warrant to bury, the coroner shall satisfy himself, by the production to him of a certificate of registration of death as required under section 22 of *The Vital Statistics Act* or otherwise, that the death has been duly registered.”

39. *The Interpretation Act*, being chapter 3 of the Statutes of 1906, is amended as follows:

1. Section 7, subsection 19: By striking out all the words after the words “Labour Day” therein and substituting therefor the following: “any day appointed by proclamation for a general feast or thanksgiving and with reference to any particular part of the province such day in each year as may by proclamation be appointed a public holiday for such part of the province, for the planting of forest or other trees.”

40. *The Fence Ordinance*, being chapter 28 of the Ordinances of 1903 (Second Session), is amended as follows:

Section 10: By repealing the same and substituting therefor the following:

“It shall be the duty of any person erecting any wire fence across any trail that has been in constant use by the public for a period of three months immediately previous to such erection to place on such fence where it crosses the trail and for a distance of two rods on each side from the centre of the trail either a top rail, or pieces of wood placed perpendicularly commonly known as droppers not less in length than the height of the fence nor less than two inches in width and at intervals not exceeding six feet.”

41. *An Act respecting Public Printing*, being chapter 9 of the Statutes of 1906, is amended as follows:

1. By striking out the words “Government Printer” wherever the same occur therein and substituting therefor the words “King’s Printer”.

42. *The Public Service Act*, being chapter 4 of the Statutes of 1906, is amended as follows:

1. Section 4: By striking out the words “Government Printer” where the same appear therein and substituting therefor the words “King’s Printer”.

43. *The Alberta Election Act*, being chapter 3 of the Statutes of 1909, is amended as follows:

1. By striking out the words “Government Printer” wherever the same appear therein and substituting therefor the words “King’s Printer”.

44. *The Insanity Act*, being chapter 7 of the Statutes of 1907, is amended as follows:

1. By adding after section 1 thereof the following new section as section 1a:

"1a. In this Act the expression "justice" or "justice of the peace" includes a coroner in and for the Province of Alberta."

2. Section 7: By striking out the word "such" in the third line thereof and substituting therefor the word "a".

45. *An Act to incorporate the Alberta Farmers Co-operative Elevator Company, Limited*, being chapter 13 of the Statutes of 1913, is amended as follows:

1. Section 5: By inserting after the word "grain" in the thirteenth line thereof the following words: "To buy and sell farm produce and generally and any and all commodities required or used by farmers."

2. Section 24: By striking out all the words after "directors" in the fifth line thereof and substituting the words "by cheque signed by such persons as the directors by by-law may designate".

3. Section 26: By striking out the words "countersign all cheques" in the third line thereof.

4. Section 29: By striking out the word "July" in the second line thereof and substituting the word "August".

5. Section 36: (a) By striking out clause (c) thereof and substituting therefor the following:

"If funds still remain, the directors shall set aside such sum as they deem meet as a reserve fund."

(b) By striking out clause (d) thereof and substituting therefor the following:

"If sufficient funds remain, a dividend not exceeding eight per cent. shall be declared and paid to the shareholders."

No. ~~44~~.

FOURTH SESSION
THIRD LEGISLATURE
6 GEORGE V
1916

BILL

An Act to amend The Statute Law.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. CROSS.

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