

BILL

No. 46 of 1916.

An Act to provide for a Change of Name.

(Assented to _____, 1916.)

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 Change of Name Act.*"

INTERPRETATION.

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

1. "Given name" includes a given name, Christian name or baptismal name;

2. "Surname" includes a surname, family name or patronymic;

3. "Name" includes given name and surname;

4. "Change" means any change by way of alteration, substitution, addition or abandonment;

5. "Child or children" includes a child or children adopted under an order of the Supreme Court of Alberta.

3. Any person of the full age of twenty-one years, being a British subject by birth or naturalization, may as hereinafter provided effect a change of his or her name under the provisions of this Act, and if such person is a married man he may likewise effect a change of the given name or names of his wife and of the given name or names of any or all of his or her unmarried infant children and if such person is a widower or a widow he or she may likewise effect a change of the given name or names of any or all of his or her unmarried infant children; provided, however, that where a married man makes application hereunder either to effect a change of his surname or to effect a change of the given name or names of his wife or of any one or more of his or her unmarried infant children the consent of such wife shall first be had thereto, and provided further that a married woman living with her husband shall not during his life be entitled to make application hereunder to effect a change of the surname acquired by her from such husband.

4. Every applicant for a change of name under the provisions of this Act shall file with the Provincial Secretary the following:

(a) In every case where the applicant is a married man and is applying either for a change of his surname or for a change of a given name or names of his wife or of his or her unmarried

infant child or children or any of them, application and consent, in duplicate, duly executed in form A in the schedule to this Act or to the like effect, and in every other case application, in duplicate, duly executed in form B in the schedule to this Act or to the like effect;

- (b) Affidavit of qualification and *bona fides* in form C in the schedule to this Act or to the like effect;
- (c) Certified copy of naturalization certificate where applicant is a British subject by naturalization;
- (d) Copy of *Alberta Gazette* and copy of newspaper published or circulating in the district in which the applicant is domiciled each containing a copy of notice in form D in the schedule to this Act or to the like effect;

and the Provincial Secretary may in his discretion and upon payment of the fees prescribed in the schedule to this Act register the same.

5. Registration under the provisions of the preceding section shall for all purposes whatsoever effect a change of name according to the tenor of the application, and the registration of a change of the surname of a married man or a widower or a widow shall also effect the like change in the surname of the wife of such married man and in the surname of each of the unmarried infant children of such married man or widower or widow as the case may be.

6. Where a change of name has been effected under the provisions of the preceding section, a certificate thereof in form E in the schedule to this Act shall be entered in a folio of a book entitled "The Change of Name Register" to be kept for that purpose in the Department of the Provincial Secretary, and such certificate shall be under the hand of the Provincial Secretary or Deputy Provincial Secretary or Acting Deputy Provincial Secretary and shall be sealed with the great seal of the province.

(2) A duplicate of such certificate shall be forwarded forthwith to the Registrar-General of Vital Statistics who is hereby empowered and required to alter his records in conformity therewith without charge to anyone.

7. A duplicate of the certificate referred to in subsection 1 of the preceding section shall be issued by the Provincial Secretary to anyone applying for the same upon payment of the proper fees in that behalf, and such duplicate shall for all purposes be conclusive evidence of its contents.

8. Without restricting the effect which a change of name may have at law it is hereby declared that any person whose name has been changed in accordance with the provisions of this Act shall, upon production of the duplicate certificate referred to in the preceding section, and upon satisfactory proof of identity, be entitled to have his or her new name substituted in lieu of his or her former name in any and every record, certificate, instrument, document, contract or other writing whatsoever, whether the same is or is not *ejusdem generis* with those hereinbefore recited and whether such record, certificate, instrument, document,

contract or writing is public or private, upon payment of such fees, if any, as are prescribed by law in that behalf.

9. Any person who by fraud or misrepresentation obtains a change of name under the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five hundred dollars and costs or to imprisonment for a term not exceeding three months.

(2) The Provincial Secretary may, if satisfied that any change of name has been obtained as aforesaid annul such change of name by order, effective from a date named therein. A memorandum of such order shall be endorsed on the folio in which such change of name appears in "The Change of Name Register" and notice of such annulment shall be published forthwith in *The Alberta Gazette*.

(3) A copy of any order made under the provisions of the preceding subsection shall be forwarded to the Registrar-General of Vital Statistics who is hereby empowered and required to make such alterations in his records as are necessary by reason of the said order, without charge to anyone.

(4) The Provincial Secretary may in any such case by order require any person to whom a duplicate certificate has been issued under the provisions of section 7, to forthwith deliver up the same and any such person who refuses or neglects to comply with the provisions of such order shall be guilty of an offence and 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 thirty days.

10. Nothing herein shall be deemed to affect any right that may exist at law at the date of the passing of this Act to effect a change of name in any other manner.

SCHEDULE.

FORM A.

CANADA
PROVINCE OF ALBERTA.

APPLICATION FOR A CHANGE OF NAME.

I,, of the of, in the Province of Alberta,, hereby make application under the provisions of *The Change of Name Act* for a change of name as follows:

From my present name (*present name in full*) to (*proposed name in full*).

(Where the applicant is a married man and applies for a change of surname set out here the full name and age of each of his unmarried infant children. Section 5 of the Act provides *inter alia* that a change of surname by a married man, under the above circumstances, effects a change in the surname of each such child, and it is essential that these particulars be given in order that a record of such change of surname may be kept in the Department of the Provincial Secretary.)

(*Name in full and age of each unmarried infant child.*)

Strike out words not suited to particular case.

Where such married man applies for a change of a given name or names of his wife or of any one or more of his or her unmarried infant children add:

And I also make application as aforesaid for a change of the given name or names of my wife and of my or her unmarried infant child or children as follows:

From (*present name of wife in full*) to (*proposed name of wife in full*)

From (present name or names in full of such child or children) to (proposed name in full of such child or children). The present age of such child or children is as follows:

To be added where consent of wife is necessary.

I,....., wife of the above named applicant, hereby consent to the foregoing application for a change of name. In witness whereof I have hereunto set my hand this..... day of....., A.D. 19...., at....., in the Province of Alberta.

Signed by the above named applicant } in the presence of } (Signature of Applicant.)

AFFIDAVIT OF EXECUTION.

CANADA

PROVINCE OF ALBERTA.

I,....., of....., in the Province of Alberta,, make oath and say as follows:

- 1. I am the person whose name is subscribed to the foregoing application as the attesting witness to the execution thereof.
2. The signature.....set and subscribed thereto as such attesting witness is of my proper handwriting and my name and addition are correctly above set forth.
3. I was present and did see the said application duly signed by....., who is personally known to me to be the person therein named.

Sworn before me at....., in } the Province of Alberta, this..... } day of....., A.D. 19.... }

A Commissioner, etc., a Justice of the Peace, a Notary Public.

FORM B.

CANADA

PROVINCE OF ALBERTA.

APPLICATION FOR A CHANGE OF NAME.

I,....., of the.....of....., in the Province of Alberta,, hereby make application under the provisions of The Change of Name Act for a change of name as follows: From my present name (present name in full) to (proposed name in full) (Where the applicant is a widower or a widow with an unmarried infant child or children and applies for a change of surname set out here the full name and age of each such child. Section 5 of the Act provides inter alia that a change of surname by a widower or a widow under the above circumstances effects a change in the surname of such child, and it is essential that these particulars be given in order that a record of such change of surname may be kept in the Department of the Provincial Secretary.)

Strike out words not suited to particular case.

(Name in full and age of each unmarried infant child.) Where such widower or widow applies for a change of a given name or names of any such child add:

And I also make application as aforesaid for a change of the given name or names of my unmarried infant child or children as follows:

From (present name or names in full of such child or children) to (proposed name in full of such child or children). The present age of such child or children is as follows:

In witness whereof I have hereunto set my hand this.....day of....., A.D. 19...., at....., in the Province of Alberta.

Signed by the above named applicant } in the presence of } (Signature of Applicant.)

AFFIDAVIT OF EXECUTION.

CANADA

PROVINCE OF ALBERTA.

I,....., of....., in the Province of Alberta,, make oath and say as follows:

- 1. I am the person whose name is subscribed to the foregoing application as the attesting witness to the execution thereof.
2. The signature.....set and subscribed thereto as such attesting witness is of my proper handwriting and my name and addition are correctly above set forth.

3. I was present and did see the said application duly signed by....., who is personally known to me to be the person therein named.

Sworn before me at....., in }
the Province of Alberta, this..... }
day of....., A.D. 19.... }

A Commissioner, etc., a Justice of the Peace, a Notary Public.

FORM C.

CANADA
PROVINCE OF ALBERTA.

AFFIDAVIT OF QUALIFICATION AND BONA FIDES.

I,....., of the.....of....., in the Province of Alberta,....., make oath and say as follows:

1. I was born at....., in the..... of....., on the.....day of....., A.D. 1....

2. I am a British subject by (Birth or Naturalization, as the case may be).

3. Each and every of the statements made by me in the annexed application for a change of name is true, and the said application is made by me bona fide and for no improper purpose.

Sworn before me at....., in }
the Province of Alberta, this..... }
day of....., A.D. 19.... }

A Commissioner, etc., a Justice of the Peace, a Notary Public.

FORM D.

CANADA
PROVINCE OF ALBERTA.

Notice is hereby given of the following application to the Provincial Secretary under the provisions of *The Change of Name Act*:
(Here set out exact copy of application in form.....or....., as the case may be, including consent of wife where the same is necessary, but omitting affidavit of execution.)

FORM E.

Strike out unnecessary words throughout form.
Insert exact hour and date of registration.

CANADA
PROVINCE OF ALBERTA.

I,....., (Acting) (Deputy) Provincial Secretary of the Province of Alberta, hereby certify that on the.....day of....., A.D. 19...., at the hour of.....in the.....noon, the following change (s) of name was (were) effected under the provisions of *The Change of Name Act*.

(Set out full particulars of change including former name or names and new name or names in full, also address and occupation as given in application. Names of wife and children whose surnames are changed by virtue of section 5 are to be included.)

In witness whereof I have hereunto set my hand and caused the Great Seal of the Province to be hereunto affixed at the City of Edmonton in the Province of Alberta this.....day of....., A.D. 19....

[L.S.] (Acting) (Deputy) Provincial Secretary.

TARIFF OF FEES.

1. For registration of all documents required by section 4—
 - (a) Where application is for a change of a given name or names only, for each person whose given name or names is proposed to be changed..... \$5.00
 - (b) In every other case..... 25.00
2. For publication of certificate in *Alberta Gazette*..... 10.00
3. For every search..... .25
4. For every duplicate certificate..... 2.00
5. Any service not herein provided for, such fee as may be fixed by the Lieutenant Governor in Council.

No. 46.

FOURTH SESSION
THIRD LEGISLATURE
6 GEORGE V
1916

BILL

An Act to provide for a Change of
Name.

Received and read the

First time.....

Second time.....

Third time.....

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