

BILL

No. 36 of 1921.

An Act to Provide for the Registration of Names of Homes.

(Assented to , 1921.)

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

1. In this Act the expression "Registrar" means the Deputy Minister of Agriculture.

2. Any person owning a home in the Province of Alberta and desiring to register a name for the same, may make and sign a declaration setting forth the name selected, his name in full, his addition, his post office address, and in the event of the property being situate in a municipality with streets and numbers, the name of the street and the number of the residence, together with a description of the property of record in the land titles office for the land registration district in which the said property is situated.

3. The said declaration may be made and signed in duplicate, or in as many parts as may be required, and shall be in form A in the schedule hereto.

4. Such person shall advertise in *The Alberta Gazette* once his intention to apply for a name for his home in form B in the schedule to this Act.

5. Upon proof being made to the registrar to his satisfaction of the advertising of such intention referred to in the preceding section, the said declaration may be filed with the registrar, who shall retain one of the originals and register the same.

6. Upon the filing of the said declaration, the registrar shall certify under his hand and seal of office that the owner of the home is entitled to designate his home with the name selected, and that the owner thereof is entitled to the exclusive use of such name as the name of his property. Such certificate shall be in form C in the schedule to this Act and a copy thereof shall be published in one issue of *The Alberta Gazette*.

7. The registrar shall cause to be kept a book for the registration of the names of homes.

8. The registrar shall not permit any person to register the name of a home identical with or similar to any registered name, or so nearly resembling the same as to be calculated to deceive, and no person shall adopt or use a name for his home identical with or similar to any registered name, or so nearly resembling the same as to be calculated to deceive.

9. Every name registered pursuant to this Act shall attach to the land described in the declaration and shall pass with the transfer of the said land to the transferee, or with a demise of the said land to the lessee, or to the executor or administrator of the estate of the owner thereof:

Provided always that in the event of the land described in the declaration being composed of more than one registered parcel, and in the event of any disposition of such registered parcels so that they are owned by different persons, the registered name shall attach only to the registered parcel of land upon which the home of the person who made application for such registered name is situate.

Provided further that in the event of an agreement that the name shall not pass on a sale of the home or a provision in a will that the name shall not pass on a devise of the home, the person reserving the right to use the name, or the person for whose benefit the name was reserved may relinquish the right to use the said name, in the name and on behalf of the registered owner, and the registrar may either cancel the registration of the name forthwith or upon the production of such further evidence as he may require to satisfy him of the said person's right to relinquish the use of the said name.

10. Any person owning a home registered under the provisions of this Act may relinquish the right to the exclusive use of such name by filing with the registrar a declaration in form D in the schedule to this Act, together with an abstract of title to the lands in question.

11. The provisions of this Act are only intended to confer on the owner the right to the exclusive use of the name for the purpose of designating his home.

12. Any person violating any of the provisions of this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty not exceeding \$25 and in default of payment to imprisonment not exceeding thirty days.

13. In the event of a continuation of violations of the provisions of section 8 of this Act by any person, the person entitled to the registered name shall have the right of action to restrain the same by an injunction.

14. The provisions of sections 12 and 13 shall not apply to any person who has designated his home for a period of two years prior to the passing of this Act by any name registered under the provisions of this Act.

15. If any person has designated his home by any name for a period of two years prior to the passing of this Act and finds that another person has registered the said name as the name of his home, he may—

(a) Apply to the registrar to register the said name as the name of his home with an addition to the said name indicating locality; or

(b) He may apply to the registrar to cancel the registration by the person adopting the said name and the registrar may, if he is satisfied that the person adopting the said name knew or ought to have known that he was registering a name by which another designated his home, cancel the said registration.

16. No person shall register as the name of his home or as part of the name of his home, a registered brand, unless he has been using such name to describe his home for a period of at least two years prior to the passing of this Act.

17. No person shall register as the name of his home or as part of the name of his home, a pedigreed prefix under which any other person has live stock registered in the National Live Stock Records of Canada.

18. For the purposes of this Act "home" means a farm, ranch or other land upon which is situated a dwelling house.

19. The registrar shall be entitled to a fee of \$2 for filing the aforesaid declaration and issue of said certificate.

SCHEDULE A.

I,....., of the.....of.....
 in the Province of Alberta,....., being the
 owner of lot..... in block....., according to a map or
 plan of the.....of.....of record in the land
 titles office for the..... Alberta Land Registration
 District as Plan....., being No.....on.....
 Street or Avenue (*as the case may be*), or.....quarter
 of section....., township....., range....., west
 of the.....meridian, hereby make application to the
 Registrar of Joint Stock Companies for the registration of
 the name following.....as the name of the home
 erected on the said property.

SCHEDULE B.

NOTICE.

Take notice that I, of the
of, in the Province of Alberta,
on or after the day of, 19
will apply to the Registrar of Joint Stock Companies for
the purpose of registering the following name
as the name of my home, situate on lot block
Plan (name of city or town), or the
quarter of section township range
west of the meridian (as the case may be).

Dated at, Alberta, this day of
., 19

.

SCHEDULE C.

Canada }
Province of Alberta }

This is to certify that of the
. of in the Province of Alberta,
., has been granted the exclusive use of the
following name
as the name of his home situate on lot block
Plan (name of city or town), or the
quarter of section township range
west of the meridian (as the case may be), pursuant
to the provisions of *An Act to Provide for the Registration
of Names of Homes*.

Given under my hand and seal at Edmonton this
day of, 19

.
Registrar of Companies.

SCHEDULE D.

NOTICE.

Take notice that I, of the,
of in the Province of Alberta, being the registered
owner of my home situate on lot block
Plan (name of city or town), or the
quarter of section township range
west of the meridian (as the case may be), hereby
relinquish the following name
as the name of the home situate on the said land.

Dated at.....in the Province of Alberta,
this.....day of....., 19....

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

1. That I was personally present and did see.....,
named in the within instrument, who is personally known to
me to be the person named therein, duly sign, seal and
execute the same for the purposes named therein.

2. That the said instrument was executed at the.....
in the....., and that I am the
subscribing witness thereto.

3. That I know the said....., and
..... is in my belief of the full age of twenty-one years.

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

.....
A Commissioner for Oaths.

No. 36.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

BILL

An Act to Provide for the Registration
of Names of Homes.

Received and read the

First time

Second time

Third time

D. MORKEBERG.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1921