

BILL

No. 37 of 1921.

An Act to provide for the Maintenance of Children and Poor Persons.

(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. This Act may be cited as "*The Maintenance Order Act.*"

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

- (a) "Child" shall include illegitimate child, and any child of any child, and the child of a husband or wife by a former marriage;
- (b) "Father" shall include grandfather;
- (c) "Mother" shall include grandmother;
- (d) "Municipality" shall mean any city, town, village or municipal district.

3. The husband, wife, father, mother and children of every old, blind, lame, mentally deficient or impotent person, or of any other poor person who is not able to work, shall provide maintenance, including adequate food, clothing, medical aid and lodging, for such person.

(2) The father of and mother of every child under the age of sixteen years shall provide maintenance, including adequate food, medical aid and lodging for such child.

(3) This section shall not impose any liability on any person to provide maintenance for another if he is unable to do so out of his own property or by means of his labour; nor shall it impose any liability in favour of any person who is able to maintain himself.

4. Subject to the other provisions of this Act, a husband shall be primarily liable for the maintenance of his wife, and a wife for that of her husband.

(2) Subject to the other provisions of this Act, the liability of the mother thereunder shall not arise unless the father is unable and she is able to maintain the person in respect of whom the order is sought; nor shall the liability of the grandfather under this Act arise unless both the father

and mother are unable and he is able to provide such maintenance; nor that of the grandmother unless the father, mother and grandfather are all unable and she is able to provide such maintenance.

(3) Subject to the other provisions of this Act, no liability of a grandchild shall arise thereunder where any child of the person in respect of whom the order is sought is able to maintain such person.

5. Where any person is liable under this Act to maintain a child or any poor person and fails to do so, then the mayor or the chairman of the council of the city, town, village or municipal district in which such person resides or, wherever such person resides, the Attorney General, may upon application to a judge of the District Court of the judicial district in which such person is or resides, obtain summarily a maintenance order against such person.

(2) No judge shall make any such order unless he is satisfied that the person or persons against whom it is sought to obtain the order is able to provide such maintenance.

(3) Where it is sought to make more than one person liable under the provisions of this Act, the maintenance order may be made by a judge of the District Court of the judicial district in which any of such persons resides.

(4) In making an order under this Act the judge shall, in cases where the person in respect of whose maintenance an order is made is in receipt, directly or indirectly, of aid from the province or municipality, exclude such fact from his consideration in estimating the amount to be directed to be paid by the order.

(5) An order for maintenance made under the provisions of this Act may be retroactive and may direct—

- (a) That the person for whose maintenance the order provides shall be cared for by any person or persons, or in a home, shelter, hospital or other institution;
- (b) The period or periods during which the maintenance granted thereunder is to be paid;
- (c) The instalments in which such maintenance is to be paid, and the amounts of such instalments;
- (d) To what person or institution such instalments are to be paid;
- (e) That any one or more of the persons herein rendered liable for the maintenance of another whether they are named in the proceedings taken hereunder or not shall pay such maintenance or contribute thereto, if it seems to the judge harsh or unfair that the person or persons primarily liable should bear the whole or any part of the burden thereof.

(6) Notwithstanding any other provisions of this Act, any order made by a judge against any person rendered liable for maintenance thereunder shall be good until rescinded by the judge, notwithstanding that such person is not primarily liable for such maintenance, but the judge may, upon the application of any such person, make another order or other orders against any other person or persons rendered liable for maintenance by this Act, and in such order or orders give such directions as may appear to be proper for the reimbursement of any person against whom the original order was made, to such an extent, in such manner and by such person or persons as he may think proper.

6. Any order made under the provisions of this Act may direct the sheriff that the money recoverable thereunder shall be levied upon the lands, goods and chattels of the person or persons against whom the order is directed.

7. Neither *The Exemptions Ordinance* nor *The Dower Act* nor any other Act shall prevent the levying of any money, directed to be paid by any such order, by seizure and sale of any property which but for such Act or Acts would be liable to be seized and sold under the said order.

8. As often as any person against whom an order is made under the provisions of this Act wilfully fails to comply with the terms thereof, he shall be liable upon summary conviction to a fine not exceeding five hundred dollars and in default of payment thereof to imprisonment not exceeding three months.

No. 37.

FOURTH SESSION
FOURTH LEGISLATURE
11 GEORGE V
1921

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An Act to provide for the Maintenance of Children and Poor Persons.

Received and read the

First time

Second time

Third time

HON. J. R. BOYLE.

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