

BILL

No. 73 of 1923.

An Act to amend the Statute Law.

(Assented to , 1923.)

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 Statute Law Amendment Act, 1923.*"

2. *The Alberta Pharmaceutical Association Act*, being chapter 203 of the Revised Statutes of Alberta, 1922, is amended as to section 25 thereof by adding as subsection (4) thereof the following:

"(4) Notwithstanding the provisions of subsection (1) of this section, a body corporate, a firm or a partnership may keep open shop at any place or places for the purposes specified in subsection (1) of this section—

"(a) if the business of the body corporate, firm or partnership, so far as it relates to the retailing, dispensing or compounding any of the poisons, drugs or medicines mentioned in schedule 1 to this Act, is at every such place under the actual control and management of a duly registered chemist or druggist; and

"(b) if the name of each registered chemist and druggist having such control and management, together with a description of the premises at which such business is carried on and the name of the body corporate, firm or partnership carrying on such business is forwarded to the registrar-treasurer to be entered in a register to be kept for that purpose; and

"(c) if the registered chemist and druggist having such management and control as aforesaid does not act in a similar capacity for any other body corporate, firm or partnership, and does not carry on business as a chemist or druggist on his own account."

3. *The Agricultural Pests Act*, being chapter 71 of the Revised Statutes of Alberta, 1922, is amended as to section 3 thereof by striking out the words "in the extra-municipal area" where they occur therein.

4. *The Factories Act*, being chapter 186 of the Revised Statutes of Alberta, 1922, is amended as to section 17 thereof by adding thereto as subsection (2) the following:

“(2) Any inspector appointed by the Lieutenant Governor in Council as an inspector in the Bureau of Labour, shall have all the powers of an inspector appointed under the provisions of this Act.”

5. *The Foreign Companies Act*, being chapter 157 of the Revised Statutes of Alberta, 1922, is amended as to section 5 thereof by adding as subsections (3) and (4) thereof the following:

“(3) The fees payable under the provisions of this section shall be computed upon a capital sum obtained by expressing the actual capital of the foreign company in Canadian money, reckoning the value in exchange of the said actual capital at mint parity, that is, at the actual gold value of the foreign currency in comparison with the gold coinage of the currency of Canada.

“(4) Where there is no gold coinage of the foreign country in question, the Lieutenant Governor in Council may determine the value in exchange of the capital thereof.”

6. *The Lunatics' Estates Act*, being chapter 225 of the Revised Statutes of Alberta, 1922, is amended as to section 7 thereof by adding thereto as subsections (2) and (3) the following:

“(2) All the estate of whatsoever kind, nature or tenure, of any lunatic, in respect of which the administrator is acting as guardian, shall forthwith upon the commencement of such guardianship vest in the administrator, who shall have full power and authority to sell or otherwise dispose of the personal estate, or any part thereof, as he may think fit.

“(3) Upon the commencement of such guardianship no action or other proceeding in any court, by or against such lunatic, shall be commenced or continued without leave of a judge of the Supreme Court, which leave may be granted only upon motion of which notice shall have been given to the administrator; and subject to such terms as to security for costs or otherwise as to the judge may appear just or expedient.”

7. *The War Relief Act*, being chapter 92 of the Revised Statutes of Alberta, 1922, is amended as to section 3 thereof by adding as subsection (3) thereof the following:

“(3) ‘At any time’ in subsection (1) of this section means and always has meant at any time prior to the making of an order of foreclosure vesting the mortgaged land in the mortgagee free from all right and equity of redemption on the part of the mortgagor as provided for in section 96 of *The Land Titles Act*, or in the case of a

purchaser at any time during the subsistence of the right of the vendor to demand the payment to him of any part of the purchase price,"

8. *The Maintenance Order Act*, being chapter 103 of the Revised Statutes of Alberta, 1922, is amended as to section 7 thereof by adding as subsection (5) thereof the following:

"(5) No person shall be made liable by or be liable under any maintenance order made under the provisions of this Act in respect of any child with regard to which an order has been made against such person under the provisions of *The Children of Unmarried Parents Act*."

9. *The Civil Service Garnishment Act*, being chapter 93 of the Revised Statutes of Alberta, 1922, is amended by repealing section 10 thereof and substituting therefor the following:

"**10.**—(1) No debt due and owing to any employee from the Crown shall be liable to attachment unless such debt exceeds the sum of seventy-five dollars; and then only to the extent of the excess.

"(2) This section shall not apply in any case in which the debt owing by the employee is for board and lodging."

10. *The Land Titles Act*, being chapter 133 of the Revised Statutes of Alberta, 1922, is amended—

(a) as to section 95 thereof:

(i) by striking out subsection (5), and substituting therefore the following:

"(5) A copy of the notice shall be filed in the Land Titles Office in which the mortgage or incumbrance is registered and shall be served upon the mortgagor or incumbrancer and upon every person appearing by the records of such Land Titles Office at the time of filing such notice to have any mortgage, incumbrance or lien upon the land subsequent to the mortgage or incumbrance or any estate, right or interest therein subject to such mortgage or incumbrance, or upon the legal representative of any such person."

(ii) by adding to subsection (16) the following: "or may on such application for foreclosure grant a final order of foreclosure instead of an order *nisi*."

(b) as to section 109 thereof by adding as subsection (6a) thereof the following:

"(6a) For the purposes of section 111a only of this Act the Registrar shall, in issuing a certifi-

cate of title to an executor, administrator or trustee under a will, describe the owner as such executor, administrator or trustee.”

- (c) by adding as section 111a thereof the following:
- “**111a.**—(1) The registrar shall not register any transfer, mortgage or other instrument executed by an executor, administrator or trustee under a will except on application for transmission or a caveat or a discharge of mortgage, unless:
- “(a) a certificate of the Official Guardian, made subsequent to the grant of letters probate or administration or of resealing thereof, that he has no knowledge of infants being interested in the estate of the deceased owner, has been filed with the registrar; or
- “(b) in cases where infants are interested, the instrument to be registered is accompanied by the consent of the Official Guardian to the proposed dealing; or
- “(c) the instrument to be registered is accompanied by an order of a judge of a court of competent jurisdiction, authorizing the proposed dealing.
- “(2) In case land in which infants are interested is subject to a general testamentary trust for sale, the Official Guardian may give one written consent, referring to such trust and authorizing the executor, administrator or trustee, as the case may be, to deal with such land and after such general consent has been filed in any land titles office the registrar shall register any transfer, mortgage or other instrument executed by the executor, administrator or trustee, as the case may be, without requiring any further consent to be filed.”

11.—(1) *The Sales of Public Lands Act*, being chapter 140 of the Revised Statutes of Alberta, 1922, is amended—

(a) as to section 5 thereof:

- (i) by adding at the end of subsection (1) thereof the following: “together with such sum of money as may be adequate in the opinion of the Minister to discharge a proportionate part of the expenses incurred by his Department in connection with the said land”;
- (ii) by adding thereto as subsections (5), (6), (7) and (8) the following:
- “(5) Whenever any part of any parcel of land forfeited to the Crown by virtue of tax enforcement proceedings has been sold by a Minister prior to the making of a request for

a transfer of land under the provisions of this section, the Minister may transfer such part as has not been sold, and in that case shall deduct from the amount payable by the transferee under the provisions of subsection (1) of this section, the purchase price of the part sold.

“(6) Where only part of any parcel of land is transferred under the provisions of this section, the Registrar shall issue a new certificate of title therefor, but such certificate of title shall be subject to all the mortgages, incumbrances, executions, liens and other charges in order of their priority to which the whole parcel would have been subject, if it had been transferred.

“(7) Whenever any such parcel of land or any part thereof has been leased by a Minister prior to the making of a request for a transfer of land under the provisions of this section, the transferee shall take the said parcel subject to the said lease, but the Minister may deduct from the amount payable by the transferee under the provisions of subsection (1) of this section, such sum of money as may seem to him under all the circumstances of the case to be fair.”

“(8) The Minister in transferring any land under the provisions of this section shall reserve to the Crown in the right of the Province all minerals forfeited to the Crown by virtue of tax enforcement proceedings, whether upon or subjacent to the surface thereof, and in estimating the amount payable by the transferee may take into consideration the assessed value (if any) of such minerals, or the increase (if any) in the assessed value of the land due to the presence of such minerals.”

(b) by adding section 7a thereto as follows:

“7a. A Minister may from time to time lease any public lands for such terms and with such covenants, conditions or stipulations as may seem proper to him.”

(c) as to section 8 thereof:

by adding after the words “agreement for sale” where they occur therein, the words “leases.”

(2) This section shall come into force upon the day on which it is assented to.

12. *The Town Act*, being chapter 108 of the Revised Statutes of Alberta, 1922, is amended—

- (a) by adding as section 262b thereof the following:
 “**262b.** Where the assessor is or has been in any year heretofore or hereafter, satisfied that values have not appreciably altered since the last assessment, he shall not be required to make a general valuation of property liable to taxation and may in whole or in part adopt the last assessment”;
- (b) by adding as section 306b thereof the following:
 “**306b.** Wherever by reason of a mistake as to the boundaries of a town, land not included in the town has been assessed for the purposes of taxation by the town and has not been assessed in any municipal district or improvement district, the Lieutenant Governor in Council may validate all such assessments so as to have a retroactive effect, and to render the said land liable to taxation as if included in the town at the date of assessment.”

13. *The Stock Inspection Act*, being chapter 69 of the Revised Statutes of Alberta, 1922, is amended—

- (a) by adding as section 7a thereof the following:
 “**7a.** No station agent shall accept stock for shipment which is not being shipped out of the Province through Edmonton, or Calgary, or to or through Moose Jaw or Winnipeg, unless he has received a notice from the Live Stock Commissioner so to do, or a certificate in Form A of the schedule hereto duly signed by an inspector”;
- (b) as to the tariff of fees contained in the schedule thereto, by striking out of paragraph 6 thereof all words after the word “inspection.”

14. *The Agricultural Societies Act*, being chapter 158 of the Revised Statutes of Alberta, 1922, is amended as to section 33 thereof—

- (a) by striking out paragraph (a) thereof and substituting therefor the following:
 “(a) to each society whose membership for the last preceding financial year is shown to have included at least one hundred and not more than one hundred and fifty members, who have paid their fees up to the date of the annual meeting, the sum of twenty-five cents for each member, and to each society whose membership for the last preceding year is shown to have exceeded one hundred and fifty members who have paid their fees up to the date of the annual meeting, the sum

of fifty cents for each member, but no society shall receive a greater sum than one hundred dollars therefor in any one year”;

- (b) by striking out the words “sixty per cent” wherever they occur in the said section, and substituting therefor the words “fifty per cent.”

15. *The Public Health Act*, being chapter 58 of the Revised Statutes of Alberta, 1922, is amended—

- (a) as to section 7 thereof by adding after the words “maternity homes” where they occur in paragraph (z) of subsection (1) thereof the words “and the qualifications, licensing and registering of meat examiners and meat inspectors”;
- (b) by striking out the word “sewerage” wherever it occurs in subsection (2) of section 12 thereof, and substituting therefor the word “sewage”;
- (c) as to section 21, subsection (2), thereof by striking out the words “who are not members of the council”;
- (d) as to section 29 thereof by inserting after the words “fifty dollars and costs” the words “and not less than five dollars and costs.”

16. *The Mental Defectives Act Amendment Act*, 1923, passed in the present session of the Legislative Assembly, is amended as to section 6 thereof by striking out the words “ten dollars per month” where they occur therein, and substituting therefor the words “fifteen dollars per month.”

17. *The Billiard Room Act*, being chapter 229 of the Revised Statutes of Alberta, 1922, is amended as to section 17 thereof by striking out the words “slot machine” where they occur therein.

No. 73.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

BILL

An Act to amend the Statute Law.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
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