

BILL

No. 40 of 1927.

An Act to amend The Alberta Evidence Act.

(Assented to _____, 1927.)

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 Alberta Evidence Act Amendment Act, 1927.*"

2. *The Alberta Evidence Act*, being chapter 87 of the Revised Statutes of Alberta, 1922, is amended by adding as section 34a, immediately after section 34, the following:

"34a.—(1) Subject to the provisions of this section, a copy of any entry in any book or record kept in any bank shall in all legal proceedings be received as *prima facie* evidence of such entry and of the matters, transactions and accounts therein recorded.

"(2) A copy of an entry in such book or record shall not be received in evidence under this section unless it be first proved that the book or record was, at the time of the making of the entry, one of the ordinary books or records of the bank and that the entry was made in the usual and ordinary course of business, and that the book or record is in the custody or control of the bank and that such copy is a true copy thereof. Such proof may be given by the manager or accountant of the bank and may be given orally or by affidavit sworn before any commissioner for taking affidavits or other competent authority of the like nature.

"(3) A bank or officer of a bank shall not in any legal proceeding to which the bank is not a party be compellable to produce any book or record, the contents of which can be proved under this section, or to appear as a witness to prove the matters, transactions and accounts therein recorded unless by order of the court made for special cause.

"(4) On the application of any party to a legal proceeding, the court may order that such party be at liberty to inspect and take copies of any entries in the books or records of a bank for the purposes of any such legal proceeding. The person whose account is to be inspected shall be notified of the application at least two clear days before the hearing thereof, and if it is shown to the satisfaction of the court that such person cannot be notified personally, such notice may be given by addressing the same to the bank.

“(5) The costs of any application to a court under or for the purposes of this section, and the costs of anything done or to be done under an order of the court made under or for the purposes of this section, shall be in the discretion of the court, which may order the same or any part thereof to be paid to any party by the bank, where the same have been occasioned by any default or delay on the part of the bank; and any such order against a bank may be enforced as if the bank was a party to the proceeding.

“(6) In this section, unless the context otherwise requires—

“(a) ‘Bank’ means any bank to which *The Bank Act* applies, and includes any branch, agency or office of any such bank;

“(b) ‘Court’ means the court, judge, arbitrator or person before whom a legal proceeding is held or taken for the purposes of which it is required to inspect or take copies of entries in the books or records of any bank;

“(c) ‘Legal proceedings’ means any civil proceeding or inquiry in which evidence is or may be given, and includes an arbitration.

“(7) Holidays shall be excluded from the computation of time under this section.”

3. This Act shall come into force on.....

No. 40.

FIRST SESSION
SIXTH LEGISLATURE
17 GEORGE V
1927

BILL
An Act to amend The Alberta
Evidence Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER.
A.D. 1927