

Bill No. 14 of 1936.

A BILL TO AMEND THE SOLEMNIZATION OF
MARRIAGE ACT.

NOTE.

The amendment made by section 2 remedies a defect in section 22 of the Act: it makes it possible to obtain from a judge an order dispensing with consent for the marriage of a minor in any case where the consent cannot be obtained.

The amendment made by section 3 is consequential upon the amendment made by section 2.

Section 4 adds a provision whereby a judge of the Supreme Court may declare a marriage to be valid, notwithstanding any inadvertent contravention of or non-compliance with any provision of the Act by the person celebrating the marriage ceremony.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 14 of 1936.

An Act to amend The Solemnization of Marriage Act.

(Assented to _____, 1936.)

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 Solemnization of Marriage Act Amendment Act, 1936.*"

2. *The Solemnization of Marriage Act*, being chapter 39 of the Statutes of Alberta, 1925, is hereby amended as to section 22 thereof by striking out the same and by substituting therefor the following:

"**22.** Any person not of the age of twenty-one years who is unable to obtain the consent of his or her parent, parents or guardian, or any of them, may apply to a judge of the Supreme or District Court and such judge may, in his discretion, grant an order dispensing with such consent or consents, and thereupon a license may issue or the banns be published and the marriage solemnized accordingly:

"Provided that no such order shall be made in respect of a person under the age of sixteen years unless such person is a female and is shown to be pregnant by a certificate from a legally qualified medical practitioner."

3. The said Act is further amended as to section 23 thereof by striking out subsection (2) thereof and by substituting therefor the following:

"(2) This section shall not apply in the case of a female who is shown to be pregnant by the certificate of a duly qualified medical practitioner and who has obtained the consents required by section 20 or an order made pursuant to section 22 dispensing with any such consent."

4. The said Act is further amended by inserting therein, immediately after section 24 thereof, the following new section:

"**24a.** In any case in which a marriage ceremony has been performed and any question arises thereafter as to the regularity of the same by reason of any inadvertent contravention of or non-compliance with any of the provisions of this Act on the part of the person celebrating the marriage ceremony, a judge of the Supreme Court may, upon the application of the Attorney General or of a party to the marriage or of the Deputy Registrar General of Vital Statistics, either *ex parte* or upon such notice to such parties as he may direct, may proceed to inquire into the matter and to hear evidence either orally or by affidavit as

he may deem proper; and upon being satisfied that if there was any such contravention of or non-compliance with any provision of this Act on the part of the person celebrating the marriage ceremony such contravention or non-compliance was inadvertent and that in the circumstances it is proper so to do, he may make an order declaring the marriage to have been duly solemnized notwithstanding any such non-compliance, and every order so made shall be conclusive proof of the due solemnization of the marriage to which it relates and there shall be no appeal therefrom."

5. This Act shall come into force on the day upon which it is assented to.

No. 14.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act to amend The Solemnization
of Marriage Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.

EDMONTON:
A. Shnitka, King's Printer
1936