

Bill No. 12 of 1942.

A BILL TO AMEND THE SOLEMNIZATION
OF MARRIAGE ACT

From time to time applications are made to the Courts for declarations presuming death so as to permit re-marriage or for other purposes. In some cases the Courts have been assuming this power and the applications have been granted and in other cases the applications have been refused on the ground of lack of jurisdiction. It is in the public interest that this situation be clarified. The proposed amendment would give statutory authority for the exercise of this jurisdiction. It is in the same terms as an amendment recently made in England.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 12 of 1942.

An Act to amend The Solemnization of Marriage Act.

(Assented to _____, 1942.)

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, 1942.*"

2. *The Solemnization of Marriage Act*, being chapter 39 of the Statutes of Alberta, 1925, is hereby amended by adding thereto immediately after section 24*a* the following new section:

"**24b.**—(1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the Supreme Court to have it presumed that the other party is dead, and to have the marriage dissolved, and the Court, if satisfied that such reasonable grounds exist, may make a decree of presumption of death and of dissolution of the marriage.

"(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner and the petitioner has no reason to believe that the other party has been living within that time shall be evidence that he or she is dead until the contrary is proved."

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

SECOND SESSION
NINTH LEGISLATURE
6 GEORGE VI
1942

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
1942