

Bill No. 36 of 1943.

A. BILL TO AMEND THE ALBERTA EVIDENCE ACT.

NOTE.

This Bill amends *The Alberta Evidence Act* by introducing a new section 37a. This section provides that a print from a photographic film of entries in books, documents of government departments, banks, and other corporations mentioned, shall be admissible in evidence when it is shown that the film was taken in order to keep a permanent record while the document was still in the custody of the corporation or department, and that the original has been subsequently destroyed or delivered to a customer. Provision is made for proof of these things either orally or by affidavit.

This enactment would enable the corporations mentioned in the section and government departments to obtain badly needed space now occupied by documents which have accumulated over long periods of years. The Department of Lands and Mines felt the need of such legislation some time ago, and legislation similar to this amendment was passed in 1941 and is now section 10 of *The Department of Lands and Mines Act*, chapter 11, R.S.A. 1942.

The proposed amendment, limited however in its application to banks and government departments, was adopted by the Conference of Commissioners on Uniformity of Legislation in 1941, and has since been passed by six of the provinces and is being dealt with at the present session of the Saskatchewan Legislature.

The amendment proposed by this Bill extends the operation of the section to certain corporations other than banks, and an amendment to *The Canada Evidence Act* in the same terms was passed by Parliament last year.

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. 36 of 1943.

An Act to amend The Alberta Evidence Act.

(Assented to _____, 1943.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Alberta Evidence Act*, being chapter 106 of the Revised Statutes of Alberta, 1942, is hereby amended by inserting therein immediately after section 37 the following new section:

“37a.—(1) In this section,—

“(a) ‘Corporation’ means the Bank of Canada, every bank to which *The Bank Act* applies or to which *The Quebec Savings Bank Act* applies, and each and every of the following carrying on business in Canada, namely; every railway, express, telegraph and telephone company (except a street railway and tramway company), insurance company or society, trust company and loan company (except a company subject to the provisions of Part II of *The Small Loans Act*, being chapter 23 of the Statutes of Canada, 1939);

“(b) ‘Government’ means the government of Canada or of any province of Canada and includes any department, commission, board or branch of any such government;

“(c) ‘Photographic film’ includes any photographic plate, microphotographic film and photostatic negative.

“(2) A print, whether enlarged or not, from any photographic film of,—

“(a) an entry in any book or record kept by any government or corporation and destroyed, lost, or delivered to a customer after such film was taken;

“(b) any bill of exchange, promissory note, cheque, receipt, instrument or document held by any government or corporation and destroyed, lost, or delivered to a customer after such film was taken;

“(c) any record, document, plan, book or paper belonging to or deposited with any government or corporation,—

shall be admissible in evidence in all cases in which and for all purposes for which the object photographed would have been received upon proof that,—

“(i) while such book, record, bill of exchange, promissory note, cheque, receipt, instrument or document, plan, book or paper was in the custody or control of the government or corporation, the photographic film was taken thereof in order to keep a permanent record thereof; and

“(ii) the object photographed was subsequently destroyed by or in the presence of one or more of the employees of the government or corporation, or was lost or was delivered to a customer.

“(3) Proof of compliance with the conditions prescribed by this section may be given by any one or more of the employees of the government or corporation, having knowledge of the taking of the photographic film, of such destruction, loss, or delivery to a customer, or the making of the print, as the case may be, either orally or by affidavit sworn in any part of Canada before any notary public.

“(4) Unless the court otherwise orders, a notarial copy of any such affidavit shall be admissible in evidence in lieu of the original affidavit.”

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

No. 36.

THIRD SESSION
NINTH LEGISLATURE
7 GEORGE VI
1943

BILL

An Act to amend The Alberta
Evidence Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ABERHART.

EDMONTON:
A. Shnitka, King's Printer
1943