

UNEDITED

The Names of Homes Act

being

Chapter 112 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 112

An Act to provide for the Registration of Names of Homes

SHORT TITLE

Short title

- 1 This Act may be cited as *The Names of Homes Act*.

R.S.S. 1953, c.112, s.1.

INTERPRETATION

Interpretation

- 2 In this Act:

1 “**home**” means a lot, farm, ranch or other land, except land within a summer resort, upon which is situated a dwelling house;

- 2 “**registrar**” means the Deputy Minister of Agriculture.

R.S.S. 1940, c.102, s.2; R.S.S. 1953, c.112, s.2.

REGISTRATION

Application

- 3 A person owning a home in Saskatchewan and desiring to register a name for it may make and sign an application (form A) setting forth the name selected, his name in full, occupation and post office address, and, if the property is situated in a municipality with streets and numbers, the name of the street and the number of the residence, together with a description of the property of record in the land titles office for the land registration district in which the property is situated.

R.S.S. 1940, c.101, s.3; R.S.S. 1953, c.112, s.3.

Deposit with registrar

- 4 Such person shall deposit the application, accompanied by a fee of \$5, with the registrar who shall thereupon publish a notice of the application (form B) in one issue of *The Saskatchewan Gazette*.

R.S.S. 1940, c.101, s.4; R.S.S. 1953, c.112, s.4.

Registration

- 5 At the expiration of sixty days from the date of the publication, the registrar shall, if satisfied that there is no valid objection to registration and subject to the provisions of subsection (1) of section 7, register in a book to be kept for the purpose, the name applied for, together with a description of the property which it is to designate and the name of the applicant.

R.S.S. 1940, c.101, s.5; R.S.S. 1953, c.112, s.5.

Certificate

6 The registrar shall thereupon issue to the applicant a certificate of registration (form C), and shall forthwith publish a copy of the certificate in one issue of the *Gazette*.

R.S.S. 1940, c.102, s.6; R.S.S. 1953, c.112, s.6.

Similar name

7(1) The registrar shall not register a name identical with or similar to a name already registered or so nearly resembling the same as to be calculated to deceive.

(2) No person shall knowingly adopt or use a name for his home identical with or similar to a name already registered or so nearly resembling the same as to be calculated to deceive.

R.S.S. 1940, c.102, s.7; R.S.S. 1953, c.112, s.7.

Devolution of name

8(1) Subject to the provisions of subsection (2), every name registered pursuant to this Act shall attach to the land described in the application, and shall pass with the land to a transferee or lessee or to the executor or administrator of a deceased owner.

(2) In the event of an agreement that the name shall not pass on a sale or lease of the home or of a provision in a will that the name shall not pass with the land, the registrar may, on receipt of a written application from the person entitled to the exclusive use of the name, accompanied by proof to his satisfaction of such agreement or provision, register the name in respect of a new home and cancel it in relation to the property which it originally designated.

(3) The person reserving the right to use the name or the person for whose benefit the name is reserved, may relinquish the right to use the name, and the registrar may cancel the registration of the name either forthwith or upon the production of such further evidence as he may require to satisfy him of the person's right to relinquish the use of the name.

(4) If the land described in an application is composed of more than one registered parcel and any of such parcels are so disposed of that the parcels are owned by different persons, the registered name shall remain attached only to the parcel of land upon which the home of the person who made the application is situated.

R.S.S. 1940, c.102, s.8; R.S.S. 1953, c.112, s.8.

Notice relinquishing right to name

9 A person owning a home, the name of which is registered under the provisions of this Act, may relinquish the right to the exclusive use of the name by filing with the registrar a notice (form D) together with an abstract of title to the lands in question.

R.S.S. 1940, c.102, s.9; R.S.S. 1953, c.112, s.9.

Purpose of Act

10 The foregoing provisions shall be deemed to have been enacted only for the purpose of conferring a right to the exclusive use of a name to designate a home.

R.S.S. 1940, c.102, s.10; R.S.S. 1953, c.112, s.10.

Penalty

11 A person violating any of the provisions of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$25 and in default of payment to imprisonment for a period not exceeding thirty days.

R.S.S. 1940, c.102, s.11; R.S.S. 1953, c.112, s.11.

Injunction

12 In the event of a continued violation of the provisions of subsection (2) of section 7, the person entitled to the use of the registered name shall have a right of action to restrain the violation by injunction.

R.S.S. 1940, c.102, s.12; R.S.S. 1953, c.112, s.12.

Non-application of ss.11 and 12

13 The provisions of sections 11 and 12 do not apply to any person who had designated his home, prior to the first day of May, 1927, by a name registered under the provisions of this Act.

R.S.S. 1940, c.102, s.13; R.S.S. 1953, c.112, s.13.

Registered brand

14 If a person who is the owner of a registered brand registers it as the name or as part of the name of his home, he shall be entitled to use that name only so long as he is registered as the owner of the brand, and, if another person becomes the registered owner of the brand, the registrar may upon ascertaining the fact cancel the registration of such name as the name of the home of the former owner.

R.S.S. 1940, c.102, s.14; R.S.S. 1953, c.112, s.14.

Pedigree prefix

15 No person shall register as the name of his home, or as part thereof, a pedigree prefix registered in the National Live Stock Records of Canada, except the person who registered such prefix.

R.S.S. 1940, c.102, s.15; R.S.S. 1953, c.112, s.15.

SCHEDULE

FORM A

(Section 3)

APPLICATION FOR REGISTRATION

I, _____ of the _____ of _____
 _____ in the Province of Saskatchewan, being the owner of lot
 _____ in block _____, according to a map or plan of the
 _____ of _____ record in the land titles
 office for the _____ Land Registration District as Plan
 _____ being No. _____ on _____
 Street (or Avenue, *as the case may be*), or _____ quarter
 of section _____, township _____, range
 _____, west of the _____ meridian,
 hereby make application to the Deputy Minister of Agriculture for the registration
 of the name “_____” as the name of
 the home erected on the said property.

FORM B

(Section 4)

NOTICE OF APPLICATION

Take notice that _____, of the _____ of
 _____ in the Province of Saskatchewan, _____,
 has deposited with me, under the provisions of *The Names of Homes Act*, an
 application for the registration of the name “_____”
 as the name of his home, situated on lot _____, block _____,
 plan _____, (*name of city or town*), or the _____ quarter of
 section _____, township _____, range _____,
 west of the _____ meridian (*as the case may be*).

If no valid objection to such registration is made to me within sixty days, the above
 application will be granted and the applicant shall thereafter have the exclusive
 right to use the registered name as the name of his home.

Dated at _____, Saskatchewan, this _____ day of
 _____, 19____.

Deputy Minister of Agriculture

FORM C

(Section 6)

CERTIFICATE OF REGISTRATION

Canada
Province of Saskatchewan

This is to certify that _____, of the _____
of _____ in the Province of Saskatchewan, has been
granted the exclusive use of the name "_____" as the
name of his home situated on lot _____, block _____, plan
_____, (*name of city or town*), or the _____ quarter of section
_____, township _____, range _____, west of the
_____ meridian (*as the case may be*), pursuant to the provisions of
The Names of Homes Act.

Given under my hand and seal at Regina this _____ day of
_____, 19_____.

Deputy Minister of Agriculture

FORM D

(Section 9)

NOTICE OF RELINQUISHMENT

Take notice that I _____, of the _____
of _____ in the Province of Saskatchewan, being the
registered owner of my home situated on _____, block _____,
plan _____, (*name of city or town*), or the _____ quarter of
section _____, township _____, range _____, west
of the _____ meridian (*as the case may be*), hereby relinquish the
name "_____" as the name of the home situated
on the said land.

Dated at _____, Saskatchewan, this _____ day of
_____, 19_____.

I, _____, of _____ in the Province
of Saskatchewan, _____ make oath and say:

1 That I was personally present and did see _____
named in the within instrument, who is personally known to me to be the person
named therein, duly sign, seal and execute the same for the purposes named
therein.

2 That the said instrument was executed at the _____ in
the _____, and that I am the subscribing witness
thereto.

3 That I know the said _____, and _____
 _____ is in my belief of the full age of twenty-one years.

Sworn before me at _____ }
 in the Province of Saskatchewan this }
 _____ day of _____, }
 19____.

A Commissioner for Oaths