

Bill No. 44 of 1951.

A BILL TO AMEND THE TESTATORS FAMILY  
MAINTENANCE ACT.

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NOTE.

This Bill amends *The Testators Family Maintenance Act*, being chapter 12 of the Statutes of Alberta, 1947.

Section 5 is amended by striking out the word "widow" and by substituting the word "spouse", so as to conform with a similar change made in *The Dower Act, 1948*, to which it refers.

A new section 7a is added immediately after section 7. The new section deals with the case where a testator's will provides for postponement of distribution of the estate until after the death of his spouse or other dependent, and the spouse or other dependent obtains an order making more adequate provision out of the estate for his maintenance or support. In such circumstances a judge may make an order directing immediate distribution of the residue of the estate. Once an order has been made making more adequate provision than the will did for the maintenance of the spouse or other dependent there is no reason for postponement of the distribution of the residue.

This Bill comes into force on the day upon which it is assented to.

KENNETH A. MCKENZIE,  
*Legislative Counsel.*

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

# BILL

No. 44 of 1951.

An Act to amend The Testators Family Maintenance Act.

(Assented to , 1951.)

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

1. *The Testators Family Maintenance Act*, being chapter 12 of the Statutes of Alberta, 1947, is hereby amended.

2. Section 5 is amended,—

Section 5  
amended

- (a) by striking out the word “widow”, wherever it occurs, and by substituting the word “spouse”;
- (b) by adding immediately after the words “*The Dower Act*” the figures “, 1948”.

3. The following new section 7a is added immediately after section 7:

New  
section 7a

“7a. Where, under a testator’s will, distribution of the estate is postponed until after the death of the spouse, or any other dependent, if the spouse or other dependent has obtained an order under this Act, or under *The Widows’ Relief Act*, making more adequate provision out of the estate for his maintenance and support, a judge, upon the application of any person interested, and upon such notice as he deems proper, may direct immediate distribution of the residue of the estate remaining after providing for the payment or for the securing of the payment of the portion awarded to the spouse or other dependent under this Act.”

Application  
to court for  
immediate  
distribution  
of residue  
of estate

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

Coming  
into force

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**FOURTH SESSION  
ELEVENTH LEGISLATURE**

**15 GEORGE VI  
1951**

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**BILL**

**An Act to amend The Testators  
Family Maintenance Act.**

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**Received and read the**

**First time .....**

**Second time .....**

**Third time .....**

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**HON. MR. MAYNARD.**

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