

No. 24

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 24

A Bill to amend The Public Trustee Act

HON. MR. MANNING

Explanatory Note

This Bill amends The Public Trustee Act (R.S.A. 1955, chapter 266) to remove a conflict in public policy as expressed in two Acts.

Section 80 of The University Act empowers a "legal representative" or other "person having lawful possession" of a body of a deceased person to give the body in certain circumstances to the University of Alberta for anatomical purposes.

Section 81, subsection (1) requires, inter alia, that a "public officer" having charge of the body of a deceased person not claimed by relatives or the legal representative of the deceased, shall give the body over to the University on demand therefor. Subsection (2) requires that certain publicly supported institutions shall do likewise in similar circumstances unless the body is claimed by immediate relatives or the legal representative.

Sections 18, 24 and 25 of The Public Trustee Act result in the Public Trustee either being appointed administrator or being empowered to act with the powers of an administrator or executor, or to take possession of a deceased's personal chattels in certain circumstances for the purpose of distribution thereof and burial of the deceased, in such cases as a mentally incompetent person dying (section 18), or a person dying and no one taking possession of the deceased's effects (section 24) or a person dying possessed of gross property not exceeding \$100.00 (section 25).

It is not desired that in this capacity that the Public Trustee should have the same status as an executor appointed by will of a deceased or a relative of a deceased with respect to sections 80 and 81 of The University Act.

BILL

No. 24 of 1959

An Act to amend The Public Trustee Act

(Assented to _____, 1959)

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

1. *The Public Trustee Act*, being chapter 266 of the Revised Statutes is hereby amended.

2. Section 18 is amended by adding immediately after subsection (8) the following subsection:

(9) Notwithstanding that the Public Trustee is administering the estate of a deceased mentally incompetent person under or pursuant to any provision of this section, whether by virtue of an order in council, letters of administration or otherwise, the Public Trustee shall be deemed not to be a legal representative or person having lawful possession of a body within the meaning of and for the purposes of sections 80 and 81 of *The University Act*.

3. The following section is added immediately after section 25:

25a. Notwithstanding that the Public Trustee has under section 24 the powers of an executor or administrator in respect of the estate of a deceased person, or that he is authorized under section 25 to sell property of a deceased person and apply the proceeds thereof toward payment of the burial expenses of the deceased person, the Public Trustee shall be deemed not to be a legal representative, or person having lawful possession of a body, within the meaning of and for the purposes of sections 80 and 81 of *The University Act*.

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

No. 24

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Public Trustee
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
