

No. 47

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 47

A Bill to amend The Intestate Succession Act

HON. MR. MANNING

Explanatory Note

1. This Bill amends The Intestate Succession Act which is chapter 161 of the Revised Statutes. This Act sets out the manner of distributing the estates of persons who die without wills.

2. Section 3 is amended to increase the share of the estate received by the widow. Section 3 presently reads:

“3. (1) If an intestate dies leaving a widow and one child, one-half of his estate shall go to the widow.

(2) If an intestate dies leaving a widow and more than one child, one-third of his estate shall go to the widow.

(3) If a child of the intestate died during the lifetime of the intestate leaving issue one or more of which are alive at the date of the intestate's death, the widow shall take the same share of the estate of the intestate as if the child had been living at that date.”

Section 5 provides that the whole estate goes to the widow where there are no children.

By section 18 a husband is given the same interest in the estate of his deceased wife.

3. Section 4, subsection (2) is repealed as it will no longer be of any effect because of the amendment being made to section 3. Section 4, subsection (2) reads:

“(2) Where the net value of the estate does not exceed the sum of fifteen thousand dollars, the Public Trustee, on application being made to him, may direct that all or any part of the share of any issue of the intestate shall be paid to the widow for the education, maintenance or advancement of the issue, at such time or times as to him seem fit.”

4. The amendments contained in this Bill are not intended to operate so as to take away vested rights.

5. Commencement of Act.

BILL

No. 47 of 1964

An Act to amend The Intestate Succession Act

(Assented to _____, 1964)

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

1. *The Intestate Succession Act* is hereby amended.
2. Section 3 is struck out and the following is substituted:
 3. (1) If an intestate dies leaving a widow and issue his estate, where the net value thereof does not exceed twenty thousand dollars, shall go to his widow.
 - (2) Where the net value of the estate exceeds twenty thousand dollars, the widow is entitled to twenty thousand dollars and has a charge upon the estate for that sum, with legal interest from the date of the death of the intestate.
 - (3) Of the residue of the estate, after payment of the twenty thousand dollars and interest, to the widow:
 - (a) if the intestate died leaving a widow and one child, one-half shall go to the widow;
 - (b) if the intestate died leaving a widow and more than one child, one third shall go to the widow.
 - (4) If a child of the intestate has died during the lifetime of the intestate leaving issue one or more of whom are alive at the date of the intestate's death, the widow shall take the same share of the estate of the intestate as if the child had been living at that date.
 - (5) In this section "net value" means the value of the estate wherever situated, both within and without the Province, after payment of the charges thereon and the debts, funeral expenses, expenses of administration, estate tax and succession duty.
3. Section 4 is amended by striking out subsection (2).
4. This Act applies only in respect of the estates of intestates who die on or after the first day of April, 1964.
5. This Act comes into force on the day upon which it is assented to.

No. 47

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The Intestate
Succession Act

Received and read the

First time

Second time

Third time

HON. MR. MANNING
