

No. 66

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3rd Session, 15th Legislature, Alberta  
14 Elizabeth II

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## **BILL 66**

A Bill to amend The Public Trustee Act

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HON. MR. MANNING

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### **Explanatory Note**

**1.** This Bill will amend chapter 266 of the Revised Statutes.

**2.** A new provision is added to make it clear that the Crown is liable for the negligence of the Public Trustee occurring in the course of his employment.

**3.** A new section is added providing that the Public Trustee has a paramount right to apply for letters of administration of estates under the circumstances specified in the section.

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# BILL

No. 66 of 1966

An Act to amend The Public Trustee Act

(Assented to \_\_\_\_\_, 1966)

**H**ER 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* is hereby amended.

**2.** Section 3 is amended by adding the following subsection:

(7) Where a judgment is obtained against the Public Trustee in respect of any act or omission by him in the course of exercising any power, duty or function which he is authorized to exercise by this or any other Act, then to the extent that the judgment is payable by the Public Trustee and is not payable out of any estate, the judgment shall be deemed to be a judgment against the Crown in right of Alberta to which *The Proceedings Against the Crown Act* applies.

**3.** The following section is added after section 24:

**24a.** (1) Notwithstanding any other Act,

(a) where

(i) the adult next of kin residing in the Province of a person who dies wholly or partially intestate, in or out of the Province, leaving property in the Province, or

(ii) the executors named in the will and the adult residuary beneficiaries residing in the Province of a person who dies testate, in or out of the Province, leaving property in the Province, have renounced any right to apply for letters of administration or probate or letters of administration with will annexed, as the case may be, or

(b) where there is no adult next of kin or adult residuary beneficiary residing in the Province of a person who dies wholly or partially intestate, in or out of the Province, and any executors have renounced their right to apply for probate,

the Public Trustee is entitled to apply for and to receive a grant of letters of administration or letters of administra-

**4. Section 27, subsections (1) and (2) presently read:**

27. (1) When a person has died intestate, in or out of the Province, leaving property in the Province the gross value of which as estimated by the Public Trustee exceeds one thousand dollars, and no application for letters of administration has been made, the Public Trustee may apply for letters of administration of the estate.

(2) If the Public Trustee knows of some other person or persons domiciled in the Province who would be entitled to letters of administration prior to the exercise of the powers conferred on the Public Trustee by this section, he shall notify such other person or persons by registered mail of his intention to apply for letters of administration.

**5. Commencement of Act.**

tion with will annexed of the estate of that person in priority to all other persons.

(2) In this section “next of kin”

(a) means the spouse and children of the deceased person,

(b) where there is no spouse or children, means the persons who are entitled to share under *The Intestate Succession Act* in the estate of the deceased person.

4. Section 27 is amended by striking out subsection (2) and by substituting the following:

(2) If the Public Trustee knows of any person resident in the Province

(a) who would be entitled to letters of administration prior to the exercise of the powers conferred on the Public Trustee by this section, and

(b) who has not renounced his right to apply for letters of administration,

the Public Trustee shall give notice of his intention to apply for letters of administration to that person by registered mail.

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

No. 66

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THIRD SESSION  
FIFTEENTH LEGISLATURE  
14 ELIZABETH II  
1966

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**BILL**

An Act to amend The Public  
Trustee Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. MANNING

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