

1970 Bill Pr. 2

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ~~ALBERTA~~

## **BILL Pr. 2**

**An Act respecting Burns Memorial Bequest for poor,  
neglected, and indigent children and the Estate  
of the Honourable Patrick Burns**

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MR. LEAVITT

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First Reading .....

Second Reading .....

Third Reading .....

## BILL Pr. 2

1970

An Act respecting Burns Memorial Bequest for poor,  
neglected, and indigent children and the Estate  
of the Honourable Patrick Burns

(Assented to \_\_\_\_\_, 1970)

WHEREAS the last Will of the late Honourable Patrick Burns who died in the City of Calgary, in the Province of Alberta, on the 24th day of February 1937, proved and registered in the District Court, of the District of Southern Alberta, Judicial District of Calgary on the 4th day of May A.D. 1937, provides a charitable bequest for children of the City of Calgary.

AND WHEREAS it is desirable and expedient to clarify and broaden the terms of the bequest in order to provide and authorize the expenditure of funds for the benefit of poor, indigent or neglected children and also to provide and authorize the expenditure of funds in order that the City of Calgary or its nominee may administer preventative welfare schemes for children of the City of Calgary.

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as *The Burns Memorial Fund for Children Act*.

2. Notwithstanding the Will of Patrick Burns, late of the City of Calgary, in the Province of Alberta, rancher, proved and registered in the District Court of the District of Southern Alberta, Judicial District of Calgary, on the 4th day of May 1937, whereby a bequest of capital and income was made for the establishment of a fund to be administered by the City of Calgary for the benefit of poor, indigent, and neglected children, the trustees of the fund, may from time to time

(a) direct and expend any portion or such portions of the fund as they consider advisable for the benefit of poor children or indigent children or neglected children, including the application and expenditure

## **Explanatory Notes**

The will reads in part:

I GIVE AND BEQUEATH unto the Institution known as "The Children's Shelter" and carried on under the auspices of the City of Calgary, in the Province of Alberta, Fifty (50) 4% non-voting, non-cumulative, redeemable Preference shares in the Capital Stock of Burns Foundation (Limited) having a nominal or par value of Five Thousand Dollars (\$5,000.00). In the event of no Institution existing in the said City of Calgary known and administered as a Children's Shelter and carried on under the auspices of the said City, I direct that the bequest hereby made by me shall be used either to provide the nucleus of a fund for establishing such an Institution, or the nucleus for the establishment of a fund to be administered by the said City for the benefit of poor, indigent and neglected children and I further direct my Trustees to make such arrangements as may be necessary and advisable with the Civic Authorities of the said City accordingly.

AND UPON FURTHER TRUST to pay and convey the rest, residue and remainder of "my Trust Estate" unto the Royal Trust Company for the creation and establishment of a Trust to be known as the "Burns Memorial Trust" to be administered by it as Trustee at its office in the City of Calgary, in the Province of Alberta, and the net annual income therefrom to pay and distribute annually in equal shares thereof amongst the following:

- (1) The Father Lacombe Home at Midnapore in the Province of Alberta.
- (2) The Branch of the Salvation Army, having its Headquarters in the City of Calgary, in the Province of Alberta.

of any portion or such portions of the fund as they consider advisable, to any charitable organization registered as such in the Province of Alberta and dealing primarily with poor, indigent or neglected children, and

- (b) in addition may direct and expend any portion or such portions of the fund as they consider necessary in order to provide services, facilities or other assistance for any scheme or program the trustees may deem desirable for the benefit of children of the City of Calgary.

**3.** Where this Act is at variance with or extends provisions of the Will this Act prevails and the construction or interpretation given to this Act shall be deemed to be the proper construction or interpretation of the Will.

**4.** The trustees shall at all times when called upon so to do render an account in writing as provided in the order of the Honourable Mr. Justice Ewing in Chambers dated at the Courthouse, Calgary, the 11th day of December A.D. 1939.

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

- (3) The Children's Shelter carried on under the auspices of the said City of Calgary, towards which I have bequeathed Fifty (50) 4% non-voting, non-cumulative, redeemable Preference Shares in the Capital Stock of Burns Foundation (Limited) by this my Will.
- (4) To the Fund established for the benefit of WIDOWS AND ORPHANS OF MEMBERS OF THE POLICE FORCE OF THE CITY OF CALGARY, towards which I have bequeathed Fifty (50) 4% non-voting, non-cumulative, redeemable Preference Shares in the Capital Stock of Burns Foundation (Limited) by this my Will.
- (5) To the Fund established for the benefit of WIDOWS AND ORPHANS OF MEMBERS OF THE FIRE BRIGADE OF THE CITY OF CALGARY, towards which I have bequeathed Fifty (50) 4% non-voting, non-cumulative, redeemable Preference Shares in the Capital Stock of Burns Foundation (Limited) by this my Will.