

1975 Bill PR 1
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL PR 1

**AN ACT TO AMEND CERTAIN SETTLEMENTS RESULTING FROM
THE LAST WILL AND TESTAMENT OF THE
HONOURABLE PATRICK BURNS**

MR. GHITTER

First Reading

Second Reading

Third Reading

Bill PR 1
Mr. Ghitter

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1975

(Second Session)

AN ACT TO AMEND CERTAIN SETTLEMENTS RESULTING FROM THE LAST WILL AND TESTAMENT OF THE HONOURABLE PATRICK BURNS

(Assented to _____ *, 1975)*

Preamble

WHEREAS by the last Will and Testament of the Honourable Patrick Burns bequests were made;

- (a) to any Fund established for the benefit of widows and orphans of members of the Police Force of the City of Calgary
- (b) to any Fund established for the benefit of widows and orphans of members of the Fire Brigade of the City of Calgary and;

WHEREAS a "Scheme for the establishment and administration of a Fund to be administered for the benefit of widows and orphans of members of the Police Force of the City of Calgary in the Province of Alberta under the last Will and Testament of the Honourable Patrick Burns late of the City of Calgary aforesaid, Rancher, deceased"

and a

"Scheme for the establishment and administration of a Fund to be administered for the benefit of widows and orphans of members of the Fire Brigade of the City of Calgary in the Province of Alberta under the last Will and Testament of the Honourable Patrick Burns late of the City of Calgary aforesaid, Rancher, deceased"

were approved by the Order of the Honourable Mr. Justice Ewing made at the Courthouse, Calgary, Alberta on Monday the 11th day of December A.D. 1939 and:

WHEREAS pursuant to such Schemes the income of such Funds were to be applied by the Trustees of such Funds "for the benefit of widows and orphans of members of the Police Force" and "for the benefit of widows and orphans of members of the Fire Brigade" respectively and;

WHEREAS because of the changed social and financial conditions as existing at this time as compared to those existing in 1939 the income of both such Funds exceed the present and foreseeable needs of the widows and orphans of members of the Police Force and of members of the Fire Brigade and such income is accumulating in the hands of the respective Trustees of such Funds and;

WHEREAS it is deemed to be in the best interest of the members of the Police Force and of the members of the Fire Brigade and of their widows and orphans that in addition to the directions for the application of income of the said Funds as set forth in Settlements, the Trustees be granted authority to apply such income to further the education of children of past and present members of the Police Force and of members of the Fire Brigade.

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

Short
title

1. This Act may be cited as the Honourable Patrick Burns Settlements Amendment Act.

Police Force
Settlement
amended

2. Clause 28 of the Scheme for the establishment and administration of a Fund to be administered for the benefit of the widows and orphans of members of the Police Force of the City of Calgary in the Province of Alberta under the last Will and Testament of the Honourable Patrick Burns late of the City of Calgary aforesaid, Rancher, deceased be amended by deleting same and substituting in place thereof the following:

“All the proper costs, charges and expenses of and incidental to the administration and management of the Trust Fund shall be first defrayed by the Trustees out of the income of the Trust Fund.

Subject to the payments aforesaid the yearly income of the Trust Fund shall be applied by the Trustees in their sole discretion in payment in whole or in part of the tuition fees and living and other related expenses incurred by a child or children of members past and present of the Police Force while such child is attending an institution of learning and for the benefit of the widows and orphans of the members of the Police Force provided that should there be a surplus of income the Trustees shall accumulate the unapplied income or any surplus and invest the same as part of the capital of the Trust Fund” .

Fire Brigade
Settlement
amended

3. Clause 28 of the Scheme for the establishment and administration of a Fund to be administered for the benefit of widows and orphans of members of the Fire Brigade of the City of Calgary in the Province of Alberta under the last Will and Testament of the Honourable Patrick Burns late of the City of Calgary aforesaid, Rancher, deceased be amended by deleting same and substituting in place thereof the following:

“All the proper costs, charges and expenses of and incidental to the administration and management of the Trust Fund shall be first defrayed by the Trustees out of the income of the Trust Fund.

Subject to the payments aforesaid the yearly income of the Trust Fund shall be applied by the Trustees in their sole discretion in payment in whole or in part of the tuition fees and living and other related expenses incurred by a child or children of members past and present of the Fire Brigade while such child is attending an institution of learning and for the benefit of the widows and orphans of the members of the Fire Brigade provided that should there be a surplus of income the Trustees shall accumulate the unapplied income or any surplus and invest the same as part of the capital of the Trust Fund”.

Coming into
force

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