

BILL

No. 35 of 1916.

An Act to Appoint an Administrator of Lunatics' Estates.

(Assented to 1916.)

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

1. In this Act, unless the context otherwise requires, the word "lunatic" includes an idiot or other person of unsound mind.

2. The Lieutenant Governor in Council may appoint an officer who shall be under the jurisdiction of the Department of the Provincial Secretary and shall be known as the "Administrator of Lunatics' Estates," and whose duties it shall be to manage, handle, administer and care for the property, whether real or personal, of lunatics, which may be entrusted to him under the provisions of this Act.

3. The administrator shall, by his name of office, be the guardian of any lunatic who has no other guardian and who is detained in a public asylum in the Province of Alberta, under the provisions of *The Insanity Act* or any Act that may be substituted therefor or any Act or law which may from time to time be in force in the province, whenever appointed by the Lieutenant Governor in Council to act as such guardian.

4. The administrator shall forthwith, upon receipt of an order in council containing such appointment, file a duly certified copy thereof with the local registrar of the Supreme Court for the judicial district in which the insane person had his place of residence, as well as in every judicial district where any property of the lunatic, real or personal, is situated, and the registrar shall file such copy among his records without fee.

5. During the continuance of the order in council no other guardian shall be appointed to the lunatic's estate by the court.

6. The said administrator, while acting as guardian to the estate of a lunatic, shall have all the powers of a guardian appointed by the court.

7. In case a guardian has hitherto been appointed by the court to the estate of a lunatic detained as aforesaid, or shall hereafter have been appointed to the estate of any such lunatic before his admission to the asylum, the administrator shall be entitled, on application to a judge of the Supreme Court in chambers, to an order removing such guardian and vesting the estate in the administrator, upon such terms as to taking the accounts, remuneration of the guardian and costs, as may seem meet.

8. The said administrator as guardian of a lunatic shall have power and authority, without applying to or petitioning the court for a declaration of lunacy or for an order affecting the real estate of the lunatic, to mortgage or sell such real estate or any portion thereof, and to execute the necessary transfers, deeds, conveyances or agreements for sale, and to accept mortgages or securities for the purchase money or any part thereof without applying to or petitioning the court, and such deeds, transfers, conveyances, agreements or mortgages shall be registered by the registrar of the land titles office for the registration district in which the land is situated upon the production and deposit of a duly certified copy of the order in council appointing the administrator to be guardian of the lunatic's estate, and a certificate of the Provincial Secretary for the Province of Alberta, certifying that the personal estate and the rents, profits and income of the real estate are insufficient for the maintenance of the lunatic or his family or for the education of his children, or that it is desirable in the interests of the lunatic and his estate that the property should be sold or mortgaged.

9. The Lieutenant Governor in Council may, upon recommendation of the Provincial Treasurer, authorize the Provincial Treasurer to advance to the administrator from time to time, by way of temporary loan from the general revenue fund of the province, such sums of money for such period and upon such terms and conditions as may be deemed requisite for the advantageous administration of any estate in his hands.

10. The Lieutenant Governor in Council may make regulations for determining what fees shall be charged for the administration of any or any class of lunatics' estates under this Act, for allowing interest on the moneys of such estates when in the hands of the administrator, and generally for all or any matters connected with the conduct of the administration not specifically provided for by this Act.

(2) All fees received by the administrator shall form part of the general revenues of the province.

11. When a lunatic, of whose estate the administrator is guardian, dies, the administrator shall retain possession of the lands, personal estate and effects of the deceased, and shall forthwith notify the Provincial Secretary of the death.

12. The Lieutenant Governor in Council may thereupon appoint the administrator to be administrator of the estate of the deceased, and the administrator upon such appointment shall have all the powers with respect to such estate of an administrator to whom letters of administration have been granted by the court.

13. The administrator shall forthwith, upon receipt of an order in council containing such appointment, file a duly certified copy thereof in the manner set forth in section 4 hereof, and the registrar shall file such copy among his records without fee.

14. The Provincial Auditor shall make an annual audit of the books, accounts and vouchers of the said administrator.

(2) The Provincial Treasurer shall lay before the Legislature within fifteen days of the opening of the session in each year the report of the auditor upon the administrator's accounts.

Bill No. 35.

FOURTH SESSION
THIRD LEGISLATURE
6 GEORGE V
1916

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An Act to Appoint an Administrator
of Lunatics' Estates.

Received and read the

First time

Second time

Third time

EDMONTON:
J. W. JEFFERY, GOVERNMENT PRINTER,
A.D. 1916