

BILL

No. 15 of 1918.

An Act to amend The Official Guardian Act.

(Assented to , 1918.)

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

The Official Guardian Act, being chapter 19 of the Statutes of Alberta, 1917, is hereby amended as follows:

1. Section 2: By adding as (d) thereof the following:

“(d) ‘Convict’ means any person against whom judgment of death or of imprisonment for a period of three years or more has been pronounced or recorded by any court of competent jurisdiction within the province and who has not suffered death and has not undergone his full term of imprisonment or any punishment substituted in lieu of the punishment first adjudged to him and has not been pardoned;”

And by adding as (e) thereof the following:

“(e) ‘Missing person’ means a person who cannot be found and whose place of abode is unascertainable and has continued to be unascertainable for a period of one year.”

2. Section 4: By adding at the end of 4 (e) the words “or as guardian of the estate or person of any infant upon order of the court”.

3. Section 6: By repealing the same and substituting therefor the following:

“6. The official guardian shall be served with notice of every application made to a court in respect of an infant, missing person or convict or of the estate of such persons respectively and such service may be made by delivering to the official guardian a copy of the statement of claim, originating notice, petition or other process originating the matter wherein the application is made, and from the time of such service the official guardian shall be guardian *ad litem* of the infant or trustee of the property of the missing person as the case may be unless and until the court otherwise order, and the official guardian or any other guardian appointed by the court for an infant shall take all such proceedings as he may deem necessary for the protection of the interests of the infant or missing person (as the case may be) and attend actively to the interests of such infant or missing person and for that purpose communicate with all proper parties.

“(2) No such application shall be proceeded with until the official guardian is represented thereat or has expressed his intention of not being so represented.”

4. Section 7: By repealing the same and substituting therefor the following:

“7. The clerk of any Surrogate Court to whom application is made for probate of will or letters of administration

or for the resealing of either of them shall, where an infant, missing person or convict is interested in the estate thereby affected, send to the official guardian particulars of every such application and of the estate and persons entitled to an interest therein, and such clerk shall also send to the official guardian particulars of all further applications affecting the infant, missing person or convict or their estates respectively.

“(2) No such application shall be proceeded with until the official guardian is represented thereat or has expressed his intention of not being so represented.”

5. By inserting as new sections 8, 9, 10, 11 and 12 the following:

“**8.** In all cases where an infant or missing person is interested in any property not exceeding in value \$1,500.00, the official guardian may consent to a sale thereof on such terms as he shall deem right.

“(2) In all cases where an infant or missing person owns less than one equal third part of any property, the official guardian may consent to a sale thereof by the other persons interested, on such terms as he shall deem right.

“**9.** No action for the recovery of any property, debt or damage whatsoever shall be brought by any convict against any person, and every convict shall be incapable of alienating or charging any property or of making any contract, and upon his conviction the custody and management of the property of such convict shall be in the hands of the official guardian who shall have absolute power to let, mortgage, sell, convey and transfer any part of such property as to him shall seem fit, and to receive or accept any benefits to the convict and to exercise all the rights of the convict regarding the property.

“**10.** The official guardian may pay out of the property of the convict all sums of money which the convict might otherwise have been liable to pay and may make such payments and allowances for the support or maintenance of any wife or child or reputed child of such convict or of any other relative or reputed relative of such convict dependent upon him for support, or for the benefit of the convict himself if and while he is lawfully at large under any license, as to such official guardian shall seem fit to be made from time to time out of such property or the income thereof and for the advantage of the convict or his estate or for the advantage of his wife, child, relative or dependent the official guardian may use the name of the convict so as to bind the latter on ceasing to be a convict.

“**11.** The preceding section shall apply to and to the estate of a missing person as if the words ‘missing person’ were used in the said section in lieu of the word ‘convict,’ in so far as such section is capable of application to a missing person or his estate.

“**12.** The official guardian shall not in exercising any of the powers given him by this Act come under any personal responsibility for anything done or left undone by him and shall be responsible only for moneys actually received by him in exercise of the said powers.”

No. 15.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

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An Act to amend The Official
Guardian Act.

Received and read the

First time.

Second time.

Third time.

HON. MR. CROSS.

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A.D. 1918