

Bill No. 56 of 1937.

A BILL TO AMEND THE TRUSTEE ACT.

NOTE.

Section 2 corrects a clerical error.

Section 3 relates to investments in a Common Fund made by the Official Guardian and the Administrator of Estates of the Mentally Incompetent pursuant to section 56 of the Act. It provides as to the interest to be payable in respect of investments so made, and provides that for the purposes of distribution all investments in the Common Fund shall be deemed at all times to be of the same aggregate value as the aggregate amount of all moneys invested therein.

Provision is made for the establishment of a Special Reserve Fund out of which deficiencies in income or capital are to be payable, and if the Special Reserve Fund is insufficient to meet the claims against it, the deficiency is to be made up out of the General Revenue Fund.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 56 of 1937.

An Act to amend The Trustee Act.

(Assented to _____, 1937.)

HIS 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 Trustee Act Amendment Act, 1937.*"

2. *The Trustee Act*, being chapter 220 of the Revised Statutes of Alberta, 1922, is amended as to section 3 thereof by striking out paragraph (d) of subsection (4) and by substituting therefor the following:

"(d) whose stock has a market value which is not less than seven per centum in excess of the par value thereof;"

3. The said Act is further amended by inserting therein immediately after section 56 the following new section:

"57.—(1) The interest payable in respect of the respective estates, the moneys of which form the Common Fund, shall be at the rate of three per centum per annum or at such other rate as may hereafter be prescribed in lieu thereof by the Lieutenant Governor in Council.

"(2) Interest shall be credited to the respective estates at the prescribed rate half-yearly, namely on the thirtieth day of April and the thirty-first day of October in each year.

"(3) The Common Fund shall be invested in any of the investments authorized by this Act and not otherwise.

"(4) For the purpose of distribution all the investments in the Common Fund shall be deemed at all times to be of the same aggregate value as the aggregate amount of all moneys invested therein and no regard shall be had to any fluctuation in value or price of the investments of the Common Fund.

"(5) In case the amount of interest earned by the investments of the Common Fund exceeds in any half-year the amount of interest payable in respect of the estates invested therein, the amounts of such excess shall be paid into a Special Reserve Fund.

"(6) In case the investments in the Common Fund when realized produce in the aggregate a greater sum than the aggregate of all the moneys invested therein, the surplus shall be paid into the Special Reserve Fund.

“(7) The Special Reserve Fund shall be available for the purpose of making up,—

“(a) any deficiency between the amount of the earnings of the investments of the Common Fund during any half-year and the amount required to pay the interest payable in respect of all the estates therein;

“(b) any deficiency between the aggregate amount of all sums invested in the Common Fund and the realizable value of all the investments of the Common Fund.

“(8) The Special Reserve Fund shall be held by the Official Guardian and the Administrator of Estates of the Mentally Incompetent jointly with the Deputy Provincial Treasurer, and any moneys in such fund may be invested in any of the securities authorized by this Act for the investment of trust funds.

“(9) The Province hereby guarantees that the Common Fund together with the Special Reserve Fund shall at all times be sufficient for the purpose of paying all lawful claims which are payable out of the Common Fund pursuant to this Act, and the Provincial Treasurer is hereby authorized to pay out of the General Revenue Fund from time to time such sums as may be necessary to implement the said guarantee.”

4. This Act shall come into force on the day upon which it is assented to and thereupon section 3 of this Act shall be deemed to have been in force at all times from and after the thirtieth day of April, 1936.

No. 56.

THIRD SESSION
EIGHTH LEGISLATURE
1 GEORGE VI
1937

BILL

An Act to amend The Trustee Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HUGILL.

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