

Bill No. 35 of 1939.

A BILL TO AMEND THE OFFICIAL GUARDIAN ACT.

NOTE.

This Bill amends *The Official Guardian Act* by empowering the Official Guardian to act as guardian or custodian of the estate of an infant who is entitled to any property where no person has been appointed as guardian by Letters of Guardianship or by order of the Court. (Section 2.)

Section 3 makes provision for the making of advances for the maintenance and education of an infant out of property held by the Official Guardian for the benefit of or in trust for the infant; where the property so held does not exceed five thousand dollars in value, such advances are made by the Official Guardian at his discretion; if the property exceeds five thousand dollars in value, upon the order of a Judge of the Supreme Court obtained on the application of the Official Guardian.

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. 35 of 1939.

An Act to Amend The Official Guardian Act.

(Assented to _____, 1939.)

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 Official Guardian Act Amendment Act, 1939.*"

2. *The Official Guardian Act*, being chapter 22 of the Revised Statutes of Alberta, 1922, is hereby amended as to section 4 by adding at the end thereof the following:

"(g) act as guardian or custodian of the estate of any infant who has property vested in him or who is entitled either immediately or after an interval either certainly or contingently to any property under an intestacy or under a will, settlement, trust deed, or in any other manner whatsoever, and for whose estate no person has been appointed guardian by the issue of Letters of Guardianship or otherwise by Order of the Court."

3. The said Act is further amended by inserting therein immediately after section 13, the following new section:

"**13a.** In any case where an infant is entitled to share in the estate of an intestate and such share has been paid to the Official Guardian as guardian of the estate of such infant or for the benefit of the infant or where property is held by the Official Guardian as trustee for an infant not being subject to the terms of a will, trust deed, or other instrument governing the trust,—

"(a) if the share or property of the infant does not exceed in value the sum of \$5,000.00 then with respect to such infant the Official Guardian may from time to time expend or may advance to any person who has the lawful custody of such infant, such sum or sums as the Official Guardian in his discretion may deem necessary for or towards the maintenance and education of such infant, and for such purpose may resort to capital and may sell or convert any of the real or personal property held on behalf of the infant.

“(b) If the share or property of the infant exceeds in value the sum of \$5,000.00 the Official Guardian may apply the income from the share or property for the maintenance or education of the infant and may from time to time apply to a Judge of the Supreme Court on summary application for an Order authorizing him to expend, or to advance to any person having the lawful custody of such infant so much of the share or property as the Judge deems proper for the maintenance and education of the infant, and upon the making of any such Order, the Court may authorize the sale or conversion of any of the real or personal property held on behalf of the infant for the purpose of making the payments or advances thereby authorized.”

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

No. 35.

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act to Amend The Official
Guardian Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ABERHART.

EDMONTON:
A. Shnitka, King's Printer
1939