

UNEDITED

The Infants Act

being

Chapter 306 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	SHORT TITLE		
1	Short title	26	Removal of guardian by court
	CUSTODY OF INFANTS	27	Security by guardian
2	Order as to custody of, and right of access to infant		AUTHORITY OF GUARDIANS
3	Disposal of custody by surviving parent	28	Guardian's authority
4	Power of court as to production of infant	29	Apprenticeship of infants
5	Power to order repayment of costs of bring up child	30	Discharge of apprenticeship
6	Court has regard to conduct of parent	31	Application to judge respecting settlement
7	Power of court as to infant's religious education		THE OFFICIAL GUARDIAN
8	Definitions of "parent" and "person"	32	Appointment and salary
	INFANT'S REAL ESTATE	33	Duties
9	Order for sale of estate	34	Appointment as trustee or guardian
10	No sale contrary to a devise	35	Service on guardian for infants
11	Application by next friend or guardian	36	Notice of application for probate or administration addressed to guardian
12	Conveyance by substitute	37	Clerk to forward notices
13	Validity of conveyances	38	Subsequent notices
14	Application of proceeds	39	Service of notice on Official Guardian where interests adverse
15	Quality of surplus moneys	40	Application of guardian to have accounts of administrator or executor passed
16	Consent to assignment of lease by infant	41	Certificates for purpose of <i>Land Titles Act</i>
17	Order for maintenance where power of appointment in favour of children	42	Costs
18	Encumbered estate, acceptance of permanent investment		GENERAL PROVISIONS
19	Vesting order	43	Religious faith protected
	DIVIDENDS OF INFANT'S STOCK	44	Official Guardian and small estates
20	Maintenance and education of infant	45	Application of funds held by Official Guardian
	GUARDIANS	46	Practice and procedure
21	Guardianship of infants and their estates	47	Judge in chambers
22	Joint guardianship	48	Rules of court
23	Death of one parent	49	Expenses of administration
24	Appointment of guardian by parent	50	Transfer of books, accounts, etc.
25	Appointment of guardian by court		

CHAPTER 306

An Act respecting Infants

SHORT TITLE

Short title

1 This Act may be cited as *The Infants Act*.

R.S.S. 1953, c.306, s.1.

CUSTODY OF INFANTS

Order as to custody of, and right of access to infant

2(1) The Court of Queen's Bench, upon the application of the father or mother of an infant may make such order as the court sees fit regarding the custody of the infant and the right of access thereto of either parent, having regard to the welfare of the infant and to the conduct of the parents and to the wishes as well of the mother as of the father, and may alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian appointed under this Act, and in every case may make such order respecting the costs of the application as the court deems just.

Order for maintenance of infant

(2) The court may also make an order for the maintenance of the infant by payment from time to time by the father or mother, or out of any estate to which the infant is entitled, of such sums as, according to the pecuniary circumstances of the father or mother or the value of the estate, the court deems reasonable.

R.S.S. 1940, c.235, s.2; R.S.S. 1953, c.306, s.2.

Disposal of custody by surviving parent

3(1) Subject to the provisions of this Act and to any order of the court, the surviving parent of an infant may, by deed or by last will and testament, in any manner and from time to time as he or she thinks fit dispose of the custody of the infant, while he remains an infant or for any lesser time, to any person.

(2) Such disposition shall be good and effectual against any person claiming the custody or education of the infant.

(3) The person to whom the custody of the infant is so committed may maintain an action against any person who wrongfully takes away or detains him, for the recovery of the infant and for damages for such taking away or detention, for the use and benefit of the infant.

R.S.S. 1940, c.235, s.3; R.S.S. 1953, c.306, s.3.

Power of court as to production of infant

4 When upon the application of a parent for the production or custody of an infant the court is of opinion that the parent has abandoned or deserted the infant, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the infant, the court may in its discretion decline to make the order.

R.S.S. 1940, c.235, s.4; R.S.S. 1953, c.306, s.4.

Power to order repayment of costs of bring up child

5 If, at the time of the application for the production of an infant, the infant is being brought up by a person other than the applicant, the court may, in its discretion, if it orders the infant to be given up to the parent, further order that the parent shall pay to such person the whole of the cost properly incurred in bringing up the infant, or such portion thereof as seems to the court to be just and reasonable, having regard to all the circumstances of the case.

R.S.S. 1940, c.235, s.5; R.S.S. 1953, c.306, s.5.

Court has regard to conduct of parent

6 Where a parent has:

- (a) abandoned or deserted his infant; or
- (b) allowed his infant to be brought up by another person at that persons expense, for such a length of time and under such circumstances as satisfy the court that the parent was unmindful of his parental duties;

the court shall not make an order for the delivery of the infant to the parent, unless the parent has satisfied the court that it would be for the welfare of the infant to do so.

R.S.S. 1940, c.235, s.6; R.S.S. 1953, c.306, s.6.

Power of court as to infant's religious education

7 Upon any application by the parent for the production or custody of an infant, if the court is of opinion that the parent ought not to have the custody of the infant and that the infant is being brought up in a different religion from that in which the parent has a legal right to require that the infant should be brought up, the court may make such order as it thinks fit to ensure that the infant is brought up in the religion in which the parent has a legal right to require that the infant should be brought up. Nothing contained in this Act shall interfere with or affect the power of the court to consult the wishes of the infant in considering what order ought to be made, or diminish the right which any infant now possesses to the exercise of his own free choice.

R.S.S. 1940, c.235, s.7; R.S.S. 1953, c.306, s.7.

Definitions of "parent" and "person"

8 In sections 4 to 7 "parent" of an infant includes any person at law liable to maintain the infant or entitled to his custody, and "person" includes any school or institution.

R.S.S. 1940, c.235, s.8; R.S.S. 1953, c.306, s.8.

INFANT'S REAL ESTATE

Order for sale of estate

9(1) Where an infant is seized, possessed of or entitled to real estate in fee or for a term of years, or otherwise, and the Court of Queen's Bench is of opinion that a sale, lease or other disposition of the same, or of a part thereof, is necessary or proper for the maintenance or education of the infant or that for any cause his interest requires or will be substantially promoted by such disposition, the court may order the sale, or the letting for a term of years or other disposition of such real estate, or any part thereof, to be made under the direction of the court or of one of its officers, or by the guardian of the infant, or by a person appointed for the purpose, in such manner and with such restrictions as it deems expedient, and may order the infant to convey or demise or other wise dispose of the estate as the court thinks proper.

Approval by Official Guardian

(2) In the following cases, namely:

- (a) where an infant is interested in a parcel of land and the value of the infant's interest therein and in the buildings, if any, thereon does not exceed \$2,500;
- (b) where one or more infants own not more than an undivided one-third share in a parcel of land, and the owners of the remaining undivided shares desire to sell the land;

the Official Guardian may, if satisfied that a proposed sale of the land or a proposed lease thereof for a term longer than one year is in the best interests of the infant or infants, consent to the sale or lease upon such terms as he deems proper.

(3) Where the Official Guardian has consented to a sale under subsection (2), no order of the court authorizing or approving the same shall be necessary.

R.S.S. 1940, c.235, s.9; 1944, c.71, s.1; 1951, c.73, s.2; R.S.S. 1953, c.306, s.9.

No sale contrary to a devise

10 No sale, lease or other disposition shall be made contrary to the provisions of a will or conveyance by which the estate has been devised or granted to the infant or for his use.

R.S.S. 1940, c.235, s.10; R.S.S. 1953, c.306, s.10.

Application by next friend or guardian

11 The application shall be in the name of the infant by his next friend, or guardian, but shall not be made without the consent of the infant if he is of the age of fourteen years or upwards unless the court otherwise directs or allows.

R.S.S. 1940, c.235, s.11; R.S.S. 1953, c.306, s.11.

Conveyance by substitute

12 Where it is deemed convenient, the court may direct some other person in the place of the infant to convey the estate.

R.S.S. 1940, c.235, s.12; R.S.S. 1953, c.306, s.12.

Validity of conveyances

13 Every such conveyance, whether executed by the infant or by a person appointed to execute the same in his place, shall be as effectual as if the infant had executed the same, and had been of the age of twenty-one years at the time.

R.S.S. 1940, c.235, s.13; R.S.S. 1953, c.306, s.13.

Application of proceeds

14 The money arising from the sale, lease or other disposition shall be laid out, applied and disposed of in such manner as the court directs.

R.S.S. 1940, c.235, s.14; R.S.S. 1953, c.306, s.14.

Quality of surplus moneys

15 On any sale or other disposition so made, the money raised, or the surplus thereof, shall be of the same nature and character as the estate sold or disposed of; and the legal representatives of the infant shall have the like interest in any surplus which may remain at his decease as they would have had in the estate sold or disposed of if no such sale or other disposition had been made.

R.S.S. 1940, c.235, s.15; R.S.S. 1953, c.306, s.15.

Consent to assignment of lease by infant

16 Where an infant is seized of the reversion of land subject to a lease and the lease contains a covenant not to assign or sublet without leave, the guardian of the infant may, with the approval of a judge of the Court of Queen's Bench, consent to an assignment or transfer of such leasehold interest, in the same manner and with the like effect as if the consent were given by a lessor under no such disability.

R.S.S. 1940, c.235, s.16; R.S.S. 1953, c.306, s.16.

Order for maintenance where power of appointment in favour of children

17 Where by a will or other instrument property is given beneficially to any person for life with a power of devising or appointing the same by will in favour of his children, or of one or more of them, the Court of Queen's Bench may on the application or with the consent of the tenant for life, order that such portion of the proceeds of the property as it may deem proper shall be applied towards the maintenance or education of any infant child in whose favour the power might be exercised, notwithstanding that there is a gift over in the event of there being no children to take under the power, or that there is a right conferred upon the tenant for life, or upon some other person in such event to make a disposition of the property in favour of some person other than such children.

R.S.S. 1940, c.235, s.17; R.S.S. 1953, c.306, s.17.

Encumbered estate, acceptance of permanent investment

18(1) If real estate of an infant is subject to an encumbrance, and the person entitled to the encumbrance consents in writing to accept, in lieu thereof, a gross sum of money which the court or judge thinks reasonable or the permanent investment of a reasonable sum of money, in such manner that the interest thereof is made payable to the person entitled to the encumbrance during life, the court or judge may direct the payment of such sum, or the investment of such other sum of money, out of the proceeds or other disposition of the real estate of the infant.

(2) Where the estate of the infant is subject to a lien or encumbrance of uncertain duration, the court or a judge may compute the reasonable value of the same, and order the sale or other disposition of the estate freed or discharged from the lien or encumbrance, and direct payment of the value of the lien or encumbrance out of the proceeds.

R.S.S. 1940, c.235, s.18; R.S.S. 1953, c.306, s.18.

Vesting order

19 In case of a sale or other disposition of the real estate of an infant, the interest and estate sold or otherwise disposed of may be conveyed to the purchaser by a vesting order of the court, which shall be to all intents and purposes as effectual to pass the interest and estate so sold, or disposed of, as a conveyance duly executed would be.

R.S.S. 1940, c.235, s.19; R.S.S. 1953, c.306, s.19.

(As to maintenance of infants from trust property, see *The Trustee Act*, ss.46, 47, 48 and 49.)

DIVIDENDS OF INFANT'S STOCK**Maintenance and education of infant**

20(1) The Court of Queen's Bench, by an order to be made on the application of the guardian of an infant in whose name any stock or money by virtue of any statute for paying off any stock is standing and who is beneficially entitled thereto, or if there is no guardian by an order to be made in any action, cause or matter depending in the court, may direct all or any part of the dividends in respect of such stock or any such money to be paid to the guardian of such infant or to any other person for the maintenance and education or otherwise for the benefit of the infant.

(2) The guardian or other person to whom payment is directed to be made shall be named in the order, and his receipt therefor shall be as effectual as if the infant had attained the age of twenty-one years and had signed and given the same.

(3) The court may order the costs and expenses of and relating to the application to be made and raised out of or from the stock or dividends in respect of which the same is made in such manner as the court deems proper.

(4) The order shall be a full and complete indemnity and discharge to all banks, companies and societies and their officers and servants for all acts and things done or permitted to be done pursuant thereto.

R.S.S. 1940, c.235, s.20; R.S.S. 1953, c.306, s.20.

GUARDIANS**Guardianship of infants and their estates**

21(1) The Court of Queen's Bench may appoint guardians of infants and their estates, and letters of appointment may be obtained as in the case of letters of administration.

(2) A record of every appointment and removal shall be made, and a copy thereof kept with the papers upon which the appointment or removal is made, in like manner as in the case of probate and administration.

(3) Unless the court otherwise orders, no guardian shall be appointed to the person or estate of an infant of the age of fourteen years or over without the consent of the infant.

R.S.S. 1940, c.235, s.21; R.S.S. 1953, c.306, s.21.

Joint guardianship

22(1) Unless otherwise ordered by the court and subject to the provisions of this Act, the father and mother shall be the joint guardians of their infant children, with equal powers, rights and duties in respect thereof.

(2) Where the parents are not living together or where they are divorced or judicially separated, they may enter into a written agreement as to which parent shall have the custody, control and education of their infant children; and, if the parents fail to agree either parent may apply to the court for an order.

(3) Where the parents are not living together or where they are divorced or judicially separated, then, in the absence of a written agreement and of an order to the contrary, the mother shall have the custody of her infant children until they attain the age of fourteen. On the death of the mother or on a child attaining the age of fourteen, the custody of the child shall belong to the father, if living.

R.S.S. 1940, c.235, s.22; R.S.S. 1953, c.306, s.22.

Death of one parent

23(1) On the death of either parent, the surviving parent shall be the guardian of their infant children, either alone where no guardian has been appointed under section 24, or jointly with any guardian so appointed.

(2) Where no guardian has been appointed under section 24, or if a guardian so appointed is dead or refuses to act, the Court of Queen's Bench may from time to time appoint a guardian or guardians to act jointly with the survivor.

R.S.S. 1940, c.235, s.23; R.S.S. 1953, c.306, s.23.

Appointment of guardian by parent

24(1) Either the father or the mother of an infant may, if under age by deed or if of full age by will, appoint one or more persons to be the guardian or guardians of the infant after the death of the appointer, if the infant is then unmarried and where guardians are appointed by both parents they shall act jointly.

(2) If guardians are unable to agree upon a question affecting the welfare of an infant, any of them may apply to the court for its direction and the court may make such order as is deemed proper.

R.S.S. 1940, c.235, s.24; R.S.S. 1953, c.306, s.24.

Appointment of guardian by court

25 Upon the application of an infant, or of any one on his behalf, when it is made to appear that the infant has no parent or lawful guardian or that such parent or lawful guardian is not a fit and proper person to have the guardianship of the infant, the court may appoint a guardian or a new guardian.

R.S.S. 1940, c.235, s.25; R.S.S. 1953, c.306, s.25.

Removal of guardian by court

26(1) Testamentary guardians and guardians appointed by order of the court shall be removable by the Court of Queen's Bench for the same causes for which trustees are removable.

(2) Any such guardian may, by leave of the court, resign his office upon such terms and conditions as are deemed just.

R.S.S. 1940, c.235, s.26; R.S.S. 1953, c.306, s.26.

Security by guardian

27(1) Unless otherwise ordered by the court, every guardian of the estate of an infant appointed or constituted by virtue of this Act, other than the Official Guardian or an official administrator, shall furnish the bond of a guarantee company in the name of the infant, in such penal sum and with such sureties as the judge may approve.

(2) Such bond shall be conditioned that the guardian will faithfully perform his trust, and that he or his executors or administrators will, when the infant becomes of the full age of twenty-one years, or when the guardianship is determined, or sooner if thereto required by the court or a judge, render a true and just account of all goods, moneys, interests, rents and profits or other estate of the infant which have come or which might but for his default have come into his hands and will thereupon without delay deliver and pay over to the infant or to his executors or administrators, the property or the balance which may be in his hands belonging to the infant, deducting therefrom and retaining a reasonable sum for his expenses and charges.

(3) The bond shall be filed in the office of the local registrar but in cases where the estate is of small value it may be dispensed with.

1940, c.235, s.27; 1951, c.73, s.3; R.S.S. 1953,
c.306, s.27.

AUTHORITY OF GUARDIANS**Guardian's authority**

28 Unless the authority of a guardian appointed or constituted by virtue of this Act is otherwise limited, the guardian so appointed or constituted during the continuance of his guardianship:

- (a) shall have authority to act for and on behalf of the infant;
- (b) may appear in court and prosecute or defend any action or proceedings in his name;
- (c) shall, after furnishing such security as the court under the provisions of section 27 may require, have the care and management of his estate, real and personal, including the right to receive any moneys due and payable to the infant and give a release in respect thereof;
- (d) shall have the custody of his person and the care of his education.

R.S.S. 1940, c.235, s.28; R.S.S. 1953, c.306, s.28.

Apprenticeship of infants

29 Save as aforesaid, the guardian may, if the infant is under the age of fourteen years with the approval of two justices of the peace and the consent of the infant, or if the infant is not under the age of fourteen years then with the consent of the infant only, place or bind him or her an apprentice to any lawful trade, profession or employment; such apprenticeship in the case of males not extending beyond the age of twenty-one years, and in the case of females not beyond the age of eighteen years, or the marriage of the ward within that age.

R.S.S. 1940, c.235, s.29; R.S.S. 1953, c.306, s.29.

Discharge of apprenticeship

30 The court may, on proper cause being shown for the purpose, discharge an infant from the apprenticeship mentioned in section 29 and order the instrument of apprenticeship to be delivered up to be cancelled, or make such other order in respect of the matter or apprentice, or either of them, as shall under the circumstances appear to be proper and just.

R.S.S. 1940, c.235, s.30; R.S.S. 1953, c.306, s.30.

Application to judge respecting settlement

31(1) Where an action is maintainable on behalf of an infant in respect of an accident from which injury to the infant has resulted and the guardian of the infant, acting on his behalf, has agreed, either before or after the commencement of an action, on a settlement of the claim or action, the guardian or the person against whom the claim or action is made or brought may, on ten days' notice to the opposite party and to the Official Guardian, apply by notice of motion to a judge of the Court of Queen's Bench sitting in chambers for an order confirming the settlement.

(2) The judge may on the application confirm or disallow the settlement. If the settlement is confirmed the party against whom the claim is made or action brought shall *ipso facto* be discharged from all further claims arising out of the accident or injury.

(3) The judge may also on the application order that the money or a portion thereof be paid into court or distributed as he deems best in the interest of the infant.

1941, c.68, s.1; R.S.S. 1953, c.306, s.31.

THE OFFICIAL GUARDIAN

Appointment and salary

32(1) An Official Guardian of infants may be appointed for the province, who shall be a barrister-at-law or solicitor of Saskatchewan of not less than five years' standing, who shall be attached to the Department of the Attorney General and shall hold office during pleasure.

(2) A Deputy Official Guardian may be appointed, who shall be a barrister or solicitor of Saskatchewan and who, in case of the absence of the Official Guardian or his inability to act, or of a vacancy in the office, shall have all the powers and perform all the duties of the Official Guardian.

(3) The Official Guardian and the Deputy Official Guardian shall receive such remuneration as may be approved by the Lieutenant Governor in Council.

R.S.S. 1940, c.235, s.31; R.S.S. 1953, c.306, s.32.

Duties

33 The Official Guardian, besides acting as a guardian *ad litem* of infants under rules of court and other orders, shall perform such other duties as the court or a judge may from time to time direct, or as may be fixed by order of the Lieutenant Governor in Council.

R.S.S. 1940, c.235, s.32; R.S.S. 1953, c.306, s.33.

Appointment as trustee or guardian

34(1) In any case in which it appears to the court or a judge desirable to do so, the court or judge may on the *ex parte* application of the Official Guardian appoint him trustee or guardian of the estate of an infant.

(2) The material in support of such application shall consist of an affidavit of the Official Guardian and any other evidence which the court or judge may require in proof of the facts.

(3) Where the Official Guardian is appointed guardian under this section it shall not be necessary to take out formal letters of guardianship.

R.S.S. 1940, c.235, s.33; R.S.S. 1953, c.306, s.34.

Service on guardian for infants

35 Infants required to be served with notice of any application to the court may be served by delivering to the Official Guardian a copy of the petition or other process required to be delivered, and from the time of service the Official Guardian shall be the guardian *ad litem* of the infant, unless the court or judge otherwise orders; and the Official Guardian, or any other guardian appointed by the court for the infant, shall take all such proceedings as he thinks necessary for the protection of the interests of the infant and attend actively to the interests of such infant and for that purpose communicate with all proper parties.

R.S.S. 1940, c.235, s.34; R.S.S. 1953, c.306, s.35.

Notice of application for probate or administration addressed to guardian

36 On every application to a surrogate court for probate of a will or letters of administration, or for the resealing of letters probate or letters of administration, where an infant to guardian is interested in the estate of the deceased, a notice in duplicate, addressed to the Official Guardian, shall be filed with the clerk of the surrogate court before which the application is made, setting out full particulars of the estate and of the various beneficiaries and the names, addresses and ages of the infants interested.

R.S.S. 1940, c.235, s.35; R.S.S. 1953, c.306, s.36.

Clerk to forward notices

37 The clerk shall upon such letters being granted, forward one copy of the notice to the Official Guardian, together with a certificate of the date upon which the letters were issued.

R.S.S. 1940, c.235, s.36; R.S.S. 1953, c.306, s.37.

Subsequent notices

38 On every application to a court in any estate in which an infant is interested, notice of the application shall be served upon the Official Guardian, unless the court dispenses therewith.

R.S.S. 1940, c.235, s.37; R.S.S. 1953, c.306, s.38.

Service of notice on Official Guardian where interests adverse

39 In all applications in which an infant is interested and in respect of which application the interests of a guardian appointed by the court for such infant appear to the court to be adverse to those of the infant, the court may require that notice of the application shall be served upon the Official Guardian, and the Official Guardian shall, for the purpose of the application, be the guardian *ad litem* of the infant.

R.S.S. 1940, c.235, s.38; R.S.S. 1953, c.306, s.39.

Application of guardian to have accounts of administrator or executor passed

40 In any estate in which an infant is interested, the Official Guardian may, at the end of two years from the date upon which the letters probate or letters of administration were issued, or at any other time when he deems it advisable, apply to the Judge of the surrogate court out of which such letters issued to compel the administrator or executor to pass his accounts, and upon such application the judge may order that the executor or administrator do pass his accounts within a time to be fixed by the judge and such order may be enforced by attachment proceedings, as if it were an order of the Court of Queen's Bench.

R.S.S. 1940, c.235, s.39; R.S.S. 1953, c.306, s.40.

Certificates for purpose of *Land Titles Act*

41 When a certificate that no infants are interested in an estate is required under *The Land Titles Act*, the right of an infant to make application for relief under *The Dependants' Relief Act* shall not be deemed an interest in an estate, for the purposes of such certificate, after six months from the grant of probate or administration, unless a judge's order has been made extending the time for such application, or the Official Guardian has reason to believe than an application is contemplated..

1951, c.73, s.4; R.S.S. 1953, c.306, s.41.

Costs

42(1) The same costs as are payable to counsel and solicitors shall be payable to the Official Guardian, or his costs may be fixed at a lump sum by the court or judge who tries or hears the proceeding or application.

(2) The costs of the Official Guardian shall be paid out of the estate and form a charge thereon and on the real and personal property thereof:

Provided that the court or judge may order any other party to the proceeding or application to pay such costs, either with or without an order permitting such other party to add such costs to his own.

(3) The Lieutenant Governor in Council may prescribe a tariff of costs payable to the Official Guardian for services other than services in court proceedings.

(4) All costs received by the Official Guardian shall form part of the consolidated fund.

R.S.S. 1940, c.235, s.40; R.S.S. 1953, c.306, s.42.

GENERAL PROVISIONS**Religious faith protected**

43 Nothing in this Act changes the law as to the authority of the father in respect of the religious faith in which his child shall be educated.

R.S.S. 1940, c.235, s.41; R.S.S. 1953, c.306, s.43.

Official Guardian and small estates

44 Where the property belonging to or held in trust for an infant consists wholly of a fund not exceeding in value \$2,500, the Official Guardian may authorize the executor or administrator, guardian of the infant or trustee, to apply the whole or any part of the fund for the maintenance and education of the infant, provided that the amount so to be authorized shall not exceed \$30 per month.

R.S.S. 1940, c.235, s.42; 1951, c.73, s.5; R.S.S. 1953, c.306, s.44.

Application of funds held by Official Guardian

45(1) Where funds belonging to an infant are held by the Official Guardian, he may apply the whole or any part of such funds for or towards the maintenance or education of the infant, provided that the amount so applied shall not exceed \$30 per month.

(2) Subsection (1) shall not be construed as derogating from or limiting the authority of the Official Guardian, pursuant to the provisions of *The Trustee Act*, to apply, for or towards the maintenance or education of an infant, the whole or any part of the income to which the infant may be entitled in respect of property held in trust for him.

R.S.S. 1940, c. 235, s.43; 1951, c.73, s.6; R.S.S. 1953, c.306, s.45.

Practice and procedure

46 The practice and procedure on applications to the court under this Act shall be governed by *The Queen's Bench Act* and the rules of court.

R.S.S. 1940, c.235, s.44; R.S.S. 1953, c.306, s.46.

Note.—See, also, paragraph 11 of section 44 of *The Queen's Bench Act*.

Judge in chambers

47 The powers conferred by this Act on the Court of Queen's Bench may be exercised by a judge thereof sitting in chambers.

R.S.S. 1940, c.235, s.45; R.S.S. 1953, c.306, s.47.

Rules of court

48 All rules of court in so far as they are inconsistent herewith are hereby repealed.

R.S.S. 1940, c.235, s.46; R.S.S. 1953, c.306, s.48.

Expenses of administration

49 The remuneration of the Official Guardian, Deputy Official Guardian and other persons employed in the office of the Official Guardian, and all other expenses incurred by him in the administration of this Act, shall be defrayed out of the consolidated fund.

R.S.S. 1940, c.235, s.47; R.S.S. 1953, c.306, s.49.

Transfer of books, accounts, etc.

50(1) All books, accounts and documents, letters, papers, bonds and other securities or property, which are or have been, by virtue of his office, in the possession or under the control of any person as Official Guardian, are hereby declared to be the property of Her Majesty, and shall, immediately upon the death of that person, his resignation or removal from office, be, by the person into whose possession or control they may come or in whose possession or control they may be, handed over to his successor or to such other person as may be appointed by the Lieutenant Governor in Council to receive the same.

(2) The Lieutenant Governor in Council may suspend the operation of subsection (1) with regard to any class or classes of property therein mentioned.

R.S.S. 1940, c.235, s.48; R.S.S. 1953, c.306, s.50.