

be resumed in the event of the death of her husband by that marriage.

Allowances
paid to
children.

(3) Where a child of a contributor is entitled to an annual allowance or other amount under this Act, payment thereof shall, if the child is less than eighteen years of age, be made to the person having the custody and control of such child, or, where there is no person having the custody and control of such child, to such person as the Treasury Board may direct, and for the purposes of this subsection the widow of the contributor, except where the child is living apart from the widow, shall be presumed, *prima facie*, to be the person having the custody and control of such child. 5 10

Woman
deemed to be
widow.

(4) For the purposes of this Act, a woman who (a) establishes to the satisfaction of the Treasury Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by that contributor as his wife, or 15 20

(b) establishes to the satisfaction of the Treasury Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by that contributor as his wife, and that at the time of the death of that contributor neither she nor the contributor was married to any other person, shall, if the Treasury Board so directs, be deemed to be the widow of that contributor and to have become married to him at such time as she commenced being so represented as his wife, and for the purpose of this Act a woman to whom this subsection would apply, but for her marriage to a contributor after such time as she commenced being so represented as his wife shall, if the Treasury Board so directs, be deemed to have become married to that contributor at the time when, in fact, she commenced being so represented. 25 30 35

Woman
deemed to
have pre-
deceased
contributor.

(5) If, upon the death of a contributor, it appears to the Treasury Board that the widow of the contributor had, for a number of years immediately prior to his death, been living apart from him under circumstances that would have disentitled her to an order for separate maintenance under the laws of the province in which the contributor was ordinarily resident, and if the Treasury Board so directs, having regard to the surrounding circumstances, including the welfare of any children involved, she shall be deemed, for the purposes of this Act, to have predeceased the contributor. 40 45

Application.

(6) Subsections (4) and (5) do not apply in respect of any contributor whose death occurred before the 28th day of 50 June, 1955.