



1937

c 148 Escheats Act

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CHAPTER 148.

The Escheats Act.

Proceedings
by, for
recovery of
escheated or
forfeited
lands.

1.—(1) Where land has escheated to the Crown by reason of the person last seised thereof or entitled thereto having died intestate and without lawful heirs, or has become forfeited for any cause to the Crown, the Public Trustee may cause possession thereof to be taken in the name of the Crown; or if possession is withheld may cause an action to be brought for the recovery thereof, without an inquisition being first made.

Practice.

(2) The proceedings in the action may be in all respects similar to those in other actions for the recovery of land. R.S.O. 1927, c. 133, s. 1.

Grant of
escheated or
forfeited land
in recognition
of moral
claim.

2. The Lieutenant-Governor in Council may grant any land which has heretofore so escheated or becomes so forfeited or which hereafter so escheats or becomes so forfeited, or any part thereof, or any interest therein, to any person for the purpose of transferring or restoring the same to any person having a legal or moral claim upon the person to whom the same had belonged, or of carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council may seem meet. R.S.O. 1927, c. 133, s. 2.

Or of
deceased's
intention.

Or reward to
informant.

Rights of
grantee.

3. Any such grant may be made without actual entry or inquisition being first made, and, if possession of the land is withheld, the person to whom the grant is made may institute, in any court of competent jurisdiction, proceedings for the recovery thereof. R.S.O. 1927, c. 133, s. 3.

Release or
waiver of
forfeiture.

4. Where any such forfeiture takes place the Lieutenant-Governor in Council may waive or release any right to which the Crown may thereby have become entitled, so as to vest the land, either absolutely or otherwise, in the person who would have been entitled thereto but for the forfeiture, and the waiver or release may be either for valuable consideration or otherwise, and may be upon such terms and conditions as to the Lieutenant-Governor in Council may seem meet. R.S.O. 1927, c. 133, s. 4.

5. The Lieutenant-Governor in Council may grant any personal property to which the Crown is entitled by reason of the person last entitled thereto having died intestate and without leaving any kin or other person entitled to succeed thereto, or by reason of the same having become forfeited for any cause to the Crown or may grant any part of such personal property for any of the purposes mentioned in section 2. R.S.O. 1927, c. 133, s. 5.

Similar powers as to personalty to which the Crown has become entitled.