

1937

c 150 Powers of Attorney Act

Ontario

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CHAPTER 150.

The Powers of Attorney Act.

1. Where a power of attorney for the sale or management of real or personal estate, or for any other purpose, provides that the same may be exercised in the name and on the behalf of the heirs or devisees, executors or administrators of the person executing the same, or provides by any form of words that the same shall not be revoked by the death of the person executing the same, such provision shall be valid and effectual, subject to such conditions and restrictions, if any, as may be therein contained. R.S.O. 1927, c. 135, s. 1.

Express provision for exercise after decease of constituent.

2.—(1) Independently of such special provision in a power of attorney, every payment made and every act done under and in pursuance of a power of attorney, or a power, whether in writing or verbal, and whether expressly or impliedly given, or an agency expressly or impliedly created, after the death of the person who gave such power or created such agency, or after he has done some act to avoid the power or agency, shall, notwithstanding such death or act, be valid as respects every person who is a party to such payment or act, to whom the fact of the death, or of the doing of such act, was not known at the time of such payment or act *bona fide* made or done, and as respects all claiming under such last mentioned person.

Validity of acts or payments *bona fide* after decease or revocation.

(2) Nothing in this section shall affect the right of any person entitled to the money against the person to whom the payment is made, and the person so entitled shall have the same remedy against the person to whom the payment is made as he would have had against the person making the payment. R.S.O. 1927, c. 135, s. 2.

Saving. Imp. Act. 56-57 Vict., c. 53, s. 24, part.