

1927

c 108 Absentee Act

Ontario

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CHAPTER 108.

The Absentee Act.

"Absentee"
C. f.
Civil Code
L. C. s. 86.

1. An absentee within the meaning of this Act shall mean one who, having had his usual place of residence or domicile in Ontario, has disappeared; whose whereabouts are unknown and as to whom there is no knowledge as to whether he is alive or dead. 1920, c. 36, s. 3.

Declaration
by Court.

2.—(1) The Supreme Court may by order declare a person to be an absentee if it is shown that due and satisfactory inquiry has been made, or may direct such further inquiry to be made and proceedings to be taken as it may deem expedient before making any order.

Application,
who may
make.

(2) The application for the order may be made by the Attorney-General of Ontario, by any one or more of the next-of-kin of the alleged absentee, by his or her wife or husband, creditor or other person.

Appeal.

(3) Any person aggrieved or affected by the order shall have the right to appeal therefrom. 1920, c. 36, s. 4 (2, 3).

Order
declaring
person no
longer
absentee.

3. Upon application at any time the Court, if satisfied that such person has ceased to be an absentee, may make an order so declaring and superseding, vacating and setting aside the order declaring the person an absentee for all purposes except as to acts or things done in respect of the estate of the absentee while such order was in force. 1920, c. 36, ss. 5, 6, *part.*

Administra-
tion of
estate.

4. The Court may make an order for the custody, due care and management of the property of an absentee and a committee may be appointed for that purpose. 1920, c. 36, s. 7, *part.*

Who may be
appointed
committee.

5. A trust company with or without one or more persons may be appointed such committee. 1920, c. 36, s. 8.

Powers and
duties of
court and
committee.

6. Where a committee of the estate of an absentee has been appointed, the powers and duties of the Court and committee shall be the same *mutatis mutandis* as the powers and duties of a court and of a committee of the estate of a lunatic as provided by *The Lunacy Act*. 1920, c. 36, s. 9.

Rev. Stat.
c. 98.

7. The committee shall subject to the direction of the Court have authority to expend moneys out of the estate of an absentee for the purpose of endeavouring to trace the said absentee and in endeavouring to ascertain whether he is alive or dead. 1920, c. 36, s. 10, *part.*

Powers of
committee
to expend
money out
of estate.