

1914

c 73 Crown Administration of Estates Act

Ontario

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Bibliographic Citation

Crown Administration of Estates Act, RSO 1914, c 73

Repository Citation

Ontario (1914) "c 73 Crown Administration of Estates Act," *Ontario: Revised Statutes*: Vol. 1914: Iss. 1, Article 76.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1914/iss1/76>

CHAPTER 73.

An Act respecting the Administration by the Crown
of Estates of Intestates.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Crown Administration of Estates Act*. 9 Edw. VII. c. 42, s. 1.

When administration may issue to the Attorney-General.

2. Where the Lieutenant-Governor, by a warrant under his privy seal, directs the Attorney-General of Ontario to obtain letters of administration general or limited of the estate of any person dying intestate, or intestate as to some part of his estate, where, in respect of the interest of His Majesty, the administration may be rightfully granted to His nominee, any competent court, upon application, in pursuance of the warrant, may grant administration to the Attorney-General for the use and benefit of His Majesty. 9 Edw. VII. c. 42, s. 2.

Administration where intestate leaves no known relatives within Ontario.

3. Where any person dies in Ontario intestate as aforesaid, and without leaving any known relative living within Ontario, or any known relative who can be readily communicated with, living elsewhere, the Lieutenant-Governor may by warrant under his privy seal direct the Attorney-General to obtain letters of administration, general or limited, of the estate of such person; and any competent court upon application in pursuance of the warrant may grant administration to the Attorney-General for the use and benefit of His Majesty or of such persons as may ultimately appear to be entitled thereto. 9 Edw. VII. c. 42, s. 3.

Devolution of rights and liabilities of the Attorney-General as administrator.

4. The administration so granted, and the office of administrator under the grant, with all the estates, rights, duties and liabilities of such administrator, shall, upon the death, resignation or removal of the Attorney-General, for the time being, devolve upon and become vested and continue in the succeeding Attorney-General by virtue of his appointment, and so in perpetual succession without any further grant of administration or any assignment or transfer of the estates of the administrator; and all actions and other proceedings by or against the Attorney-General for the time being as such administrator at the time of his death, resignation or removal, shall continue, and may be proceeded with by, in favour of, and against the succeeding Attorney-General; saving always

the effect of every limitation in duration or otherwise under the terms of the grant of such administration, and saving to every court having jurisdiction in this behalf all such right and authority to revoke or repeal such administration as the court would have had during the continuance of a like administration granted to a nominee of His Majesty if this Act had not been passed. 9 Edw. VII. c. 42, s. 4.

Exception.

5. It shall not be necessary for the Attorney-General to give security for the due administration of the estate, but he shall have all the rights and powers of and be subject to all the liabilities and duties imposed on an administrator. 9 Edw. VII. c. 42, s. 5.

Security dispensed with.
Liability of Attorney-General.

6. Where administration is granted to the Attorney-General the Lieutenant-Governor in Council may direct the sale, by auction or private sale, of any real estate or interest therein in Ontario to which the intestate died entitled; and the Attorney-General shall thereupon be authorized to sell in accordance with the directions of the Order in Council the whole, or any part of such real estate or interest, and to convey the same to the purchaser; and every conveyance by the Attorney-General shall be as valid and effectual as if the deceased were alive at the time of the making thereof and had executed the same. 9 Edw. VII. c. 42, s. 6.

Power to sell the real estate of the intestate.

7. Where subsequently to the grant of administration it is alleged or ascertained that the deceased has relatives or did not die intestate, the Attorney-General, subject to the direction of the Lieutenant-Governor in Council, may exercise all or any of the powers by this Act conferred until some person is appointed by a court of competent jurisdiction to deal with the estate of the deceased; and notwithstanding such appointment, any sale made in pursuance of this Act may be completed by the execution by the Attorney-General of a conveyance; and until the revocation of the letters granted, the Attorney-General may exercise fully all the powers vested in him as administrator. 9 Edw. VII. c. 42, s. 7.

Rights of relations after the issue of administration.

8. Where administration is granted under the provisions of this Act, the Attorney-General may apply to the Supreme Court for an order for the making of such inquiries as may be necessary to determine whether or not His Majesty is entitled to any portion of the estate of the deceased by reason of the deceased having died intestate and without heirs or next of kin, or otherwise; and any judgment pronounced upon such inquiry shall, unless reversed on appeal, be final and conclusive. 9 Edw. VII. c. 42, s. 8.

Inquiry as to the rights of His Majesty.

9. Where a person dies in possession of or entitled to real estate in Ontario intestate as to such real estate without any known heirs the Attorney-General without obtaining letters of administration may bring an action, either in his own

Recovery by Crown of real estate of persons dying intestate and without heirs.

name, on behalf of His Majesty, or in the name of His Majesty, to recover possession of such real estate and shall be entitled to judgment and to recover possession, unless the person claiming adversely shows that the deceased did not die intestate as to such real estate, or that he left heirs, or that he or some other person is entitled to such real estate. 9 Edw. VII. c. 42, s. 9.

Application by Attorney-General to compel an account by administrator in certain cases.

10. Where a person has died or dies intestate in Ontario and administration has been or may be hereafter granted to some person not one of the next of kin, and it is doubtful whether the intestate left any next of kin him surviving, or there are no known next of kin resident in Ontario, the Attorney-General may apply to the Supreme Court for an order requiring the administrator to account for his dealings with the estate, and may question in such proceedings the validity of any release or settlement with any alleged next of kin, and any competent court may revoke such administration, and grant administration to the Attorney-General. 9 Edw. VII. c. 42, s. 10.

Disposition of moneys.

11. Money realized from estates to which the Attorney-General is administrator under this Act or which he has recovered under section 9, shall be kept in a separate account in such bank or invested in such manner as the Lieutenant-Governor in Council may appoint, and all such money which has been unclaimed for ten years shall be paid into the Consolidated Revenue Fund. 9 Edw. VII. c. 42, s. 11.

Interest on money claimed.

12. Any person proving title to such money shall be entitled to receive the same with interest at such rate as the Lieutenant-Governor in Council may direct. 9 Edw. VII. c. 42, s. 12.

Remedy of persons having claims upon the estate.

13. Any person claiming to be entitled to any such estate or to any interest therein or to any part of the proceeds thereof may apply to the Supreme Court for a judgment or order declaring his rights in respect thereto; and the Court may direct such inquiries as may be necessary to determine the same, and may finally adjudicate thereon; but no application under this section shall be entertained unless security for costs is given by the applicant if the Attorney-General demands the same. 9 Edw. VII. c. 42, s. 13.

Right of Attorney-General to disbursements.

14. The Attorney-General may deduct from the money received on account of any estate all disbursements made by him in respect to inquiries which he may have made before taking out letters of administration, as well as disbursements otherwise made by him in respect to the estate. 9 Edw. VII. c. 42, s. 14.

15.—(1) After having given the notice provided for by *The Trustee Act*, and notwithstanding that the ten years limited by section 11 of this Act have not elapsed, the Attorney-General may pay any money remaining in his hands unclaimed into the Consolidated Revenue Fund, or may pay the same or any part thereof, or assign any personal property remaining in his hands, in accordance with any direction of the Lieutenant-Governor in Council, made under section 6 of *The Escheats Act*.

Distribution of assets by Attorney-General after notice.

Rev. Stat. c. 121.

Rev. Stat. c. 104.

(2) In such case no claim shall be maintained against His Majesty or this Province in respect of any money or personal property paid over or assigned to any person under section 6 of *The Escheats Act*, or under this Act; but this shall not prejudice the right of a creditor or claimant to follow such money, property or proceeds into the hands of the person who may have received the same under the authority of an Order in Council. 9 Edw. VII. c. 42, s. 15.

Non-liability of His Majesty and the Province.

Right to follow property not affected.

(See also *The Escheats Act*, R.S.O. c. 104.)