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c 116 Escheats Act

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CHAPTER 116

The Escheats Act

1. In this Act,

(a) "heir" means a person beneficially entitled to real or personal property of an intestate;

(b) "property" includes real and personal property. 1942, c. 14, s. 1.

2. (1) Where any property has become the property of 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.

(2) The proceedings in the action may be in all respects similar to those in other actions for the recovery of property. 1942, c. 14, s. 2.

3. The Lieutenant-Governor in Council may grant any property which has become the property of or has become forfeited to the Crown as hereinbefore mentioned, 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 proper. 1942, c. 14, s. 3.

4. Any such grant may be made without actual entry or taking possession of such property or inquisition being first made, and, if possession of the property is withheld, the person to whom the grant is made may institute, in any court of competent jurisdiction, proceedings for the recovery thereof. 1942, c. 14, s. 4.
5. 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 property, 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 proper. 1942, c. 14, s. 5.

6.—(1) Where possession of any real estate or interest therein has been taken by the Public Trustee under the provisions of this Act, the Lieutenant-Governor in Council may direct the sale of such real estate at such price and upon such terms as may be determined, and the Public Trustee 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 any interest therein and to convey the same to the purchaser.

(2) Where possession of any personal estate has been taken by the Public Trustee under this Act, the Public Trustee may sell such personal estate at such price and upon such terms as to him may seem proper. 1942, c. 14, s. 6.