

UNEDITED

The Escheats Act

being

Chapter 81 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

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FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

CHAPTER 81

An Act respecting Escheats

Short title

1 This Act may be cited as *The Escheats Act*.

R.S.S. 1953, c.81, s.1.

“heir”

2 In this Act “heir” means a person beneficially entitled in succession to the property of an intestate.

R.S.S. 1940, c.75, s.2; R.S.S. 1953, c.81, s.2.

Recovery of escheated lands, etc.

3(1) Where Her Majesty the Queen in right of Saskatchewan is, in the opinion of the Attorney General, entitled to any real or personal property by reason of the person last seized thereof or entitled thereto having died intestate and without heirs, or by reason of any corporation, association or society having been finally dissolved or wound up or having ceased to exist, the Attorney General may demand payment, delivery or possession thereof in the name of Her Majesty and, if such demand is not complied with, 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 real or personal property.

(3) An acknowledgment by the Attorney General that such demand has been complied with shall be a complete discharge of the person named in the acknowledgment, as against all persons whomsoever, from all liability in respect of the property therein described.

R.S.S. 1910, c.75, s.3; R.S.S. 1953, c.81, s.3.

Grants of land, etc.

4 The Lieutenant Governor in Council may make a grant of any real or personal property which now is or hereafter may become the property of Her Majesty, as hereinbefore mentioned, or any part thereof or any interest therein:

- (a) to any person who, in the opinion of the Lieutenant Governor in Council, had a legal or moral claim upon the previous owner, or a just or natural right or claim to succeed to his property or to any part thereof;
- (b) to carry into effect any disposition thereof which the Lieutenant Governor in Council believes the previous owner may have intended;
- (c) to reward any person making discovery of such property to Her Majesty.

R.S.S. 1910, c.75, s.4; R.S.S. 1953, c.81, s.4.

Recovery of possession by grantee

5 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 proceedings for the recovery thereof in any court of competent jurisdiction.

R.S.S. 1940, c.75, s.5; R.S.S. 1953, c.81, s.5.

Limitation of actions

6 No action shall be brought or maintained against Her Majesty the Queen as represented by her Government of Saskatchewan, or against the Attorney General for Saskatchewan or any minister or officer of Her Majesty as so represented, by any person claiming to be entitled in that behalf as heir, or by or on behalf of the shareholders or creditors of any corporation, association or society which has been finally dissolved or wound up or which has ceased to exist:

- (a) to recover the whole or any part of any property, real or personal :
 - (i) which, by reason of the person last seized or entitled thereto having died intestate and without heirs, or by reason of any corporation, association or society having been finally dissolved or wound up or having ceased to exist, has been judicially declared vested in Her Majesty in right of Saskatchewan; or
 - (ii) of which the Attorney General for Saskatchewan has caused possession to be taken on behalf of Her Majesty; or
 - (iii) which has come into the possession of Her Majesty as escheat or *bona vacantia*; or
- (b) to recover any compensation or damage in respect of any such real or personal property or the taking possession or withholding thereof;

after six years from the date of the death of the person last seized or entitled to such property, or where the person last seized or entitled was a corporation, association or society, after six years from the date of the final dissolution or winding up or ceasing to exist of such corporation, association or society.

R.S.S. 1940, c.75, s.6; R.S.S. 1953, c.81, s.6.

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