

UNEDITED

The Crown Administration of Estates Act

being

Chapter 82 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY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.

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SCHEDULE

CHAPTER 82

An Act respecting the Administration of Estates by the Crown

Short title

1 This Act may be cited as *The Crown Administration of Estates Act*.

R.S.S. 1953, c.82, s.1.

When administration may be granted to Attorney General

2 Where any person dies in Saskatchewan intestate, or intestate as to some part of his estate, and without leaving any known relative living within the province, or any known relative who can be readily communicated with, living elsewhere, the Attorney General may apply for letters of administration, general or limited, of the estate of such person, and any competent court upon such application may grant administration to the Attorney General for the use and benefit of Her Majesty or of such persons as may ultimately appear to be entitled thereto.

R.S.S. 1940, c.76, s.2; R.S.S. 1953, c.82, s.2.

Powers of Attorney General to vest in his successor

3 The administration so granted, and the office of administrator under the grant, with all the estates, rights, duties and liabilities of such administrators, 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 has and exercises during the continuance of an ordinary administration.

R.S.S. 1940, c.76, s.3; R.S.S. 1953, c.82, s.3.

Notice to Attorney General of application

4(1) Notice of every application for letters of administration of the estate of a person who has died in Saskatchewan intestate and without leaving any known relative living in Saskatchewan, or any known relative who can be readily communicated with living elsewhere, shall be given before the issue of letters of administration to any other person, and the Attorney General may, within thirty days after the receipt of such notice, apply for, and shall be entitled to have granted to him letters of administration to the estate of such deceased person.

(2) Where the Attorney General consents, letters of administration may issue to the applicant before the expiry of thirty days.

R.S.S. 1940, c.76, s.4; R.S.S. 1953, c.82, s.4.

Security not necessary

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.

R.S.S. 1940, c.76, s.5; R.S.S. 1953, c.82, s.5.

Real estate, how sold

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 Saskatchewan 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.

R.S.S. 1940, c.76, s.6; R.S.S. 1953, c.82, s.6.

Rights of relatives after issue of administration

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.

R.S.S. 1940, c.76, s.7; R.S.S. 1953, c.82, s.7.

Inquiries as to rights of Crown

8 Where administration is granted under the provisions of this Act, the Attorney General may apply to a judge of the Court of Queen's Bench for an order for the making of such inquiries as may be necessary to determine whether or not Her 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, or varied upon a substantive application to the court, be final and conclusive.

R.S.S. 1940, c.76, s.8; R.S.S. 1953, c.82, s.8.

Action by Attorney General to recover possession

9 Where a person dies in possession of or entitled to real property in Saskatchewan intestate as to such real property without any known heirs the Attorney General, without obtaining letters of administration, may take possession of such real property and if necessary may bring an action, either in his own name, on behalf of Her Majesty, or in the name of Her Majesty, to recover possession of such real property 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 property or that he left heirs, or that he or some other person is entitled to such real property.

R.S.S. 1940, c.76, s.9; R.S.S. 1953, c.82, s.9.

Application for accounting when administration granted to any one not next of kin

10 Where a person has died or dies intestate in Saskatchewan and administration has been or is 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 Saskatchewan, the Attorney General may apply to a judge of the Court of Queen's Bench 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.

R.S.S. 1940, c.76, s.10; R.S.S. 1953, c.82, s.10.

Moneys, how kept

11 Money realized from estates to which the Attorney General is administrator under this Act or which he has recovered under section 7, shall be kept in such bank or invested in such manner as the Lieutenant Governor in Council may direct, and all such money which has been unclaimed for ten years from the death of the intestate shall be paid into the consolidated fund.

R.S.S. 1940, c.76, s.11; R.S.S. 1953, c.82, s.11.

Payment over of moneys

12 Any person proving title to such money shall be entitled to receive the same, with simple interest thereon if the Lieutenant Governor in Council so directs, at such rate as is deemed expedient.

R.S.S. 1940, c.76, s.12; R.S.S. 1953, c.82, s.12.

Claims upon estates

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 Court of Queen's Bench for an order declaring his rights with 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.

R.S.S. 1940, c.76, s.13; R.S.S. 1953, c.82, s.13.

Attorney General may retain disbursements

14 The Attorney General may deduct from the money received on account of any estate all disbursements made by him in respect of inquiries made by him before taking out letters of administration, as well as disbursements otherwise made by him in respect of the estate.

R.S.S. 1940, c.76, s.14; R.S.S. 1953, c.82, s.14.

Attorney General may authorize administration by another

15(1) Where in any case the Attorney General is entitled to take out letters of administration under this Act, he may, instead of himself taking out such letters of administration, authorize and appoint by writing under his hand an official in his department, to take out such letters of administration.

(2) The Surrogate Court shall, upon the application of a person so authorized and appointed by the Attorney General, grant to such applicant letters of administration in form B.

R.S.S. 1940, c.76, s.15; R.S.S. 1953, c.82, s.15.

Distribution of assets by Attorney General after notice

16 After having given such notice as he deems expedient and notwithstanding that the ten years limited by section 11 have not elapsed, the Attorney General may pay any money remaining in his hands unclaimed into the consolidated 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 4 of *The Escheats Act*.

R.S.S. 1940, c.76, s.16; R.S.S. 1953, c.82, s.16.

Forms

17 The forms in the schedule hereto shall be used for the respective purposes therein mentioned, with such variations as circumstances require.

R.S.S. 1940, c.76, s.17; R.S.S. 1953, c.82, s.17.

Annual report

18 The Attorney General shall annually lay before the Legislative Assembly within fifteen days of the opening of the session in each year a report upon the estates administered under the provisions of this Act.

R.S.S. 1940, c.76, s.18; R.S.S. 1953, c.82, s.18.

SCHEDULE

FORM A

APPLICATION FOR ADMINISTRATION

Province of Saskatchewan,

In the Surrogate Court of the _____
 Judicial District of _____
 In the matter of *The Crown Administration of* _____
 _____ *Estates Act*.

Unto the Surrogate Court of the Judicial District of _____. The petition of _____ of _____ in the Judicial District respectfully sheweth that _____ late of _____ in the Judicial District of _____ deceased, died on or about the _____ day of _____, 19____ at _____ in the Judicial District of _____ and Province of Saskatchewan, and without leaving any known relative within the said province or any known relative who could be readily communicated with living elsewhere.

That the value of the whole property of the said deceased which he in any way died possessed of or entitled to, so far as your petitioner is able to ascertain, consists of the following:

(Here state the nature of the property.)

That your petitioner has made careful search and inquiry and so far as he is able to ascertain, the deceased has left no will, codicil or testamentary paper and your petitioner verily believes that the deceased died without having left any will, codicil or testamentary paper whatsoever.

Your petitioner herewith produces an appointment from the Attorney General, authorizing and appointing him to take out administration under the provisions of said *The Crown Administration of Estates Act*.

Your petitioner desires that the Surrogate Court may grant administration of the property or the said deceased under the said *The Crown Administration of Estates Act* for the use and benefit of Her Majesty or of such persons as may ultimately appear to be entitled thereto.

Petitioner

Verification of Petition

I, _____ of _____ in the Judicial District of _____, being the petitioner named in the foregoing petition, make oath and say:

That such statements in said petition as relate to the acts and deeds of the said petitioner are true, and such statements as relate to the acts of any other person or persons, I believe to be true.

Sworn before me at _____ }
in the Judicial district of _____ }
this _____ day of _____, }
19____.

A Commissioner for Oaths.

FORM B.

(Section 15)

LETTERS OF ADMINISTRATION

Province of Saskatchewan,

In the Surrogate Court of the _____
Judicial District of _____
In the matter of *The Crown Administration of* _____
_____ *Estates Act*.

To _____ of _____ in the Judicial District of _____ Province of Saskatchewan, greeting.

WHEREAS, _____ as is alleged, died at _____ in the Judicial District of and province aforesaid, intestate and without any known relative living: within this province, or any known relative who could readily be communicated with, living elsewhere.

AND WHEREAS, under the provisions of said *The Crown Administration of Estates Act*, the said is entitled to administration of all and singular the goods, chattels and effects of the said deceased; therefore we being desirous that the said goods, chattels and effects may be well and faithfully administered, applied and disposed of according to law for the use and benefit of Her Majesty or such persons as may ultimately appear to be entitled thereto, do therefore by these presents grant full power and authority to you the aforesaid to administer and faithfully dispose of the goods, chattels and effects of the said deceased, and to ask, demand, recover and receive all the debts and effects, which whilst living and at the time of his death, did in any way belong to his estate, and to pay whatever debts the said deceased at the time of his death did owe, so far as such goods, chattels and effects will extend and the law charge you, you being first sworn well and faithfully to administer the same by paying the just debts of the deceased and the lawful expenses, and pay over or distribute the remainder according to law, and to render just and true account thereof, and to obey, abide by and perform all such orders and decrees as are from time to time made by the said court, touching the estate, goods, chattels and effects of the said deceased. And we do by virtue of these presents ordain and depute you the administrator of all and singular the goods, chattels and effects of the said deceased.

GIVEN at _____ under the seal of the said court, the
_____ day of _____, 19____.

*Clerk of the Surrogate Court
of the Judicial District of*