

The Crown Administration of Estates Act

Repealed

by [Chapter 2 of *The Statutes of Saskatchewan, 2008*](#)
(effective November 1, 2008)

Formerly

[Chapter C-49 of *The Revised Statutes of Saskatchewan, 1978*](#)
(effective February 26, 1979) as amended by the [Statutes of
Saskatchewan, 1979-80, c.92; 1983, c.11; 1983-84, c.16; 1992,
c.62; and 2004, c.10.](#)

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.

Table of Contents

1	Short title	12	Payment over of moneys
2	Administration may be granted to Minister of Justice	13	Claims upon estates
3	Powers of Minister of Justice to vest in his successor	14	Minister of Justice may retain disbursements
4	Notice to Minister of Justice of application	15	Minister of Justice may authorize administration by another
5	Security not necessary	16	Distribution of assets by Minister of Justice after notice
6	Real estate, how sold	17	Forms
7	Rights of relatives after issue of administration	18	Annual report
8	Inquiries as to rights of Crown		
9	Action by Minister of Justice to recover possession		
10	Application for accounting when administration granted to any one not next of kin		
11	Moneys, how kept		

SCHEDULE

Form A Petition for Administration

Form B Letters of Administration

CHAPTER C-49

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*.

Administration may be granted to Minister of Justice

2 Where a 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 Minister of Justice may apply for letters of administration, general or limited, of the estate of that person and any competent court upon such application may grant administration to the Minister of Justice for the use and benefit of Her Majesty or of such persons as may ultimately appear to be entitled thereto.

R.S.S. 1978, c.C-49, s.2; 1983, c.11, s.17.

Powers of Minister of Justice 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 Minister of Justice for the time being devolve upon and become vested and continue in the succeeding Minister of Justice, 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 Minister of Justice 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 Minister of Justice; saving always, the effect of every limitation in duration or otherwise under the terms of the grant of the administration, and saving to every court having jurisdiction in this behalf all such right and authority to revoke or repeal the administration as the court has and exercises during the continuance of an ordinary administration.

R.S.S. 1978, c.C-49, s.3; 1983, c.11, s.17.

Notice to Minister of Justice 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 by the local registrar of Her Majesty's Court of Queen's Bench for Saskatchewan to the Minister of Justice before the issue of letters of administration to any other person, and the Minister of Justice 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 the deceased person.

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

R.S.S. 1978, c.C-49, s.4; 1979-80, c.92, s.18;
1983, c.11, s.17; 1992, c.62, s.22.

Security not necessary

5 It shall not be necessary for the Minister of Justice 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. 1978, c.C-49, s.5; 1983, c.11, s.17.

Real estate, how sold

6 Where administration is granted to the Minister of Justice 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 Minister of Justice 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 it to the purchaser; and every conveyance by the Minister of Justice shall be as valid and effectual as if the deceased were alive at the time of the making thereof and had executed it.

R.S.S. 1978, c.C-49, s.6; 1983, c.11, s.17.

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 Minister of Justice, 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, a sale made in pursuance of this Act may be completed by the execution by the Minister of Justice, of a conveyance; and until the revocation of the letters granted the Minister of Justice may exercise fully all the powers vested in him as administrator.

R.S.S. 1978, c.C-49, s.7; 1983, c.11, s.17.

Inquiries as to rights of Crown

8 Where administration is granted under this Act, the Minister of Justice 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 a 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 a 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. 1978, c.C-49, s.8; 1983, c.11, s.17.

Action by Minister of Justice 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 Minister of Justice, without obtaining letters of administration, may take possession of the 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 the 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 the real property or that he left heirs, or that he or some other person is entitled to the real property.

R.S.S. 1978, c.C-49, s.9; 1983, c.11, s.17.

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 surviving him, or there are no known next of kin resident in Saskatchewan, the Minister of Justice 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 the administration, and grant administration to the Minister of Justice.

R.S.S. 1978, c.C-49, s.10; 1983, c.11, s.17.

Moneys, how kept

11 Money realized from estates to which the Minister of Justice is administrator under this Act or that 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 that has been unclaimed for ten years from the death of the intestate shall be paid into the general revenue fund.

R.S.S. 1978, c.C-49, s.11; 1983, c.11, s.17; 2004, c.10, s.17.

Payment over of moneys

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

R.S.S. 1978, c.C-49, s.12; 1983, c.11, s.17.

Claims upon estates

13 A person claiming to be entitled to any such estate or to an interest therein or to a 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 those rights, 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 Minister of Justice demands such security.

R.S.S. 1978, c.C-49, s.13; 1983, c.11, s.17.

Minister of Justice may retain disbursements

14 The Minister of Justice may deduct from the money received on account of an 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. 1978, c.C-49, s.14; 1983, c.11, s.17.

Minister of Justice may authorize administration by another

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

(2) Her Majesty's Court of Queen's Bench for Saskatchewan shall, upon the application of a person so authorized and appointed by the Minister of Justice, grant to the applicant letters of administration in form B.

R.S.S. 1978, c.C-49, s.15; 1983, c.11, s.17; 1992, c.62, s.22.

Distribution of assets by Minister of Justice 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 Minister of Justice may pay any money remaining in his hands unclaimed into the general revenue fund, or may pay the money 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. 1978, c.C-49, s.16; 1983, c.11, s.17; 2004, c.10, s.17.

Forms

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

R.S.S. 1978, c.C-49, s.17.

Annual report

18 The Minister of Justice shall, in accordance with *The Tabling of Documents Act*, annually lay before the Legislative Assembly a report upon the estates administered under this Act.

R.S.S. 1978, c.C-49, s.18; 1983, c.11, s.17.

SCHEDULE

FORM A

PETITION FOR ADMINISTRATION

Province of Saskatchewan,

In Her Majesty's Court of Queen's Bench for Saskatchewan at the
Judicial Centre of _____
In the matter of *The Crown Administration of Estates Act*.

Unto Her Majesty's Court of Queen's Bench for Saskatchewan at the Judicial Centre of _____.
The petition of _____ of _____ in the Province of
Saskatchewan respectfully sheweth that _____ late of _____
in the Province of Saskatchewan deceased, died on or about the _____ day of _____, 19 _____
at _____ in the 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 papers whatsoever.

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

Your petitioner desires that Her Majesty's Court of Queen's Bench for Saskatchewan may grant
administration of the property of 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, _____, 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 Province of Saskatchewan this _____
day of _____, 19 _____.

A Commissioner for Oaths

FORM B
[Section 15]

LETTERS OF ADMINISTRATION

Province of Saskatchewan,

In Her Majesty's Court of Queen's Bench for Saskatchewan at the
Judicial Centre of _____
In the matter of *The Crown Administration of Estates Act*.

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

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

AND WHEREAS, under *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 singular the goods,
chattels and effects of the said deceased.

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

Local Registrar of Her Majesty's Court of
Queen's Bench for Saskatchewan at the Judicial
Centre of _____

R.S.S. 1978, c.C-49, Form B; 1979-80, c.92,
s.18; 1992, c.62, s.22.