



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# ESCHEATS ACT

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 2, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## ESCHEATS ACT

### CHAPTER E-10

#### 1. Certain land escheats to Crown

- (1) Where land has been escheated to 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 Minister of Finance 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.

#### Proceedings to recover land

- (2) The proceedings in the action may be in all respects similar to those in other actions for the recovery of land. *R.S.P.E.I. 1974, Cap. E-9, s.1; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.4; 2010, c.31, s.3; 2012, c.17, s.2; 2015, c.28, s.3.*

#### 2. Rights of Crown in dealing with escheated land

The Lieutenant Governor in Council may authorize the grant of any land which has heretofore so escheated or become so forfeited or which hereafter so escheats or becomes so forfeited, 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 has 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 meet. *R.S.P.E.I. 1974, Cap. E-9, s.2.*

#### 3. Entry not required to assert claim

Any grant made under section 2 may be made without actual entry or inquisition being first made, and, if possession of the land is withheld, the person to whom the grant is made may institute, in any court of competent jurisdiction, proceedings for the recovery thereof. *R.S.P.E.I. 1974, Cap. E-9, s.3.*

#### 4. Crown may waive rights

Where a 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 land, 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 meet. *R.S.P.E.I. 1974, Cap. E-9, s.4.*

**5. Certain personal property escheats to Crown**

The Lieutenant Governor in Council may authorize the grant of any personal property to which the Crown is entitled by reason of the person last entitled thereto having died intestate and without leaving any kin or other person entitled to succeed thereto, or by reason of the same having become forfeited for any cause to the Crown or may authorize the grant of any part of the personal property for any of the purposes mentioned in section 2. *R.S.P.E.I. 1974, Cap. E-9, s.5.*

**6. Proceedings to recover personal property**

The Minister of Finance, or any person to whom a grant is made under section 5, may bring an action for the recovery of, or for damages for detention of, any personal property to which the Crown has become entitled by reason of the person last entitled thereto having died intestate and without leaving any kin or other person entitled to succeed thereto. *R.S.P.E.I. 1974, Cap. E-9, s.6; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.4; 2010, c.31, s.3; 2012, c.17, s.2; 2015, c.28, s.3.*