

BILL

No. 31 of 1931

An Act to amend and consolidate The Ultimate Heir Act.

(Assented to _____, 1931.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Ultimate Heir Act, 1931*."

2. In this Act, unless the context requires a contrary meaning—

- (a) "Ultimate heir" shall mean the person entitled to take by descent or distribution the property of whatsoever nature of an intestate in the event of failure of heirs or next of kin entitled by the law heretofore in force to take such property,
- (b) "University" shall mean the body corporate known as The Governors of the University of Alberta

3.—(1) The University shall be the ultimate heir of any person dying intestate in fact as respects any property situate in the Province of Alberta, and of any person domiciled in Alberta, dying intestate, as respects any moveable property or chose in action, wheresoever situate.

(2) This section shall apply to the estate of any intestate whether dying before or after the passing of this Act in so far as such estate remains unadministered, and to every interest of the Province therein or in respect thereof.

4. The words "heir," "heirs," or "next of kin" in any document transferring land situate in Alberta, or giving or evidencing title thereto shall be construed by all courts and judges in Alberta as including the University, but only after all other heirs or next of kin.

5. If the personal representative of any deceased person dying intestate in respect of all or any portion of his estate, has not within two years after the death of such person learned of any next of kin entitled by law to such estate, or portion thereof, he shall transfer and deliver the same to the University and shall thereupon be entitled to be discharged from all liability in respect thereof.

6. If a claim as an heir or next of kin of an intestate is made after the estate or any part thereof of a deceased person has become vested in the University, and before the expiry of six years from the decease of such person, and such claim is substantiated, and all moneys expended by the University in connection with such estate has been repaid by the claimant, then upon an order of a judge of the Supreme Court to that effect the University shall return to such person the said estate or part thereof, or, if the same is no longer in the possession of the University, the net proceeds received from the sale or other disposition thereof, but shall not be liable to pay any interest thereon, or to account for any rents or profits resulting therefrom.

7. If no claimant has commenced an action in the Province of Alberta within six years from the death of the intestate to dispute the claim of the University, then the University shall be deemed to be the sole heir and next of kin of the intestate, and thereafter no action shall be brought whereby to question the right of the University as sole heir and next of kin of such intestate.

8. All moneys received by the University as ultimate heir shall be kept in a special fund and the annual revenue derived therefrom shall be applied in providing scholarships and assistance in the field of research in the University of Alberta in the discretion of the University.

9. Chapter 144 of the Revised Statutes of Alberta, 1922, and chapter 11 of the Statutes of Alberta, 1929, are hereby repealed.

10. This Act shall come into force on the day upon which it is assented to.

FIRST SESSION
SEVENTH LEGISLATURE
21 GEORGE V
1931

BILL

An Act to amend and consolidate The
Ultimate Heir Act

Received and read the

First time

Second time

Third time

HON MR LYMEURN

EDMONTON
W. D. McLENN, KING'S PRINTER
A.D. 1931

Title: 1931 (7th, 1st) Bill 31, An Act to amend and consolidate The Ultimate Heir Act