

WESTERN AUSTRALIA

ANNO QUARTODECIMO

VICTORIÆ REGINÆ

No. 12

An Ordinance for the Disposal of Balances of Estates of Deceased Persons remaining unclaimed in the hands of the Public Administrator.

[Assented to 2nd December, 1850.]

WHEREAS it is expedient that all unclaimed balances of moneys belonging to the estates of persons, whether dying intestate or otherwise, heretofore collected and received, or which may hereafter be collected and received by the Registrar Clerk of the Civil Court, or any other person or persons under the direction of the said Court, be paid over to the Colonial Treasurer, under certain restrictions, for the public uses of this Colony, and in support of the Government thereof: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that in every case in which letters of administration shall have been committed to the Registrar Clerk of the Civil Court, when and so often as it shall happen that any undisposed residue of the estate of any person, whether dying intestate or not, shall have remained or shall hereafter remain unclaimed in the hands of such Registrar Clerk for the space of three years from the date of such letters of administration, it shall be lawful for the said Registrar Clerk, and he is hereby required to pay over every such sum into the hands of the Colonial Treasurer, who is hereby required to make a memorandum or entry thereof in a book to be kept for that purpose, specifying the name of the intestate or testator (as the case may be) and the amount of the residue of the estate so handed over to such Treasurer.

Preamble

Balances remaining three years unclaimed in the hands of the Registrar Clerk to be paid over to the Colonial Treasurer

2. And be it enacted that when and so often as any of the said sums so handed over shall remain unclaimed in the hands of the Colonial Treasurer for the space of three years, then it shall be lawful for the Governor, by any warrant made by him for that purpose, to apply the same to the public uses of the Colony and the support of the Government thereof, subject nevertheless to the order hereinafter mentioned.

If remaining three years unclaimed in the hands of the Colonial Treasurer, they may be applied to the public uses of the Colony

3. And be it enacted that it shall be lawful at all times for the Commissioner of the Civil Court, either by way of summary proceeding or otherwise, on motion or petition made or presented by or on behalf of any person claiming the residue, or any part of the residue of any estate so handed over, to make an order for the payment thereof, by the Colonial Treasurer to the party entitled to receive the same, and it

Order for payment to party claiming

Intestates' Estates Balances

How obtained
and enforced

shall be lawful for the Governor, on the production of such order and deposit of the same with the Colonial Secretary, to issue his warrant to the said Treasurer for payment of the sum mentioned to the party entitled under such order to receive the same.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN-CHIEF.
