

WESTERN AUSTRALIA

ANNO TRIGESIMO PRIMO

VICTORIÆ REGINÆ

No. 2

An Ordinance to provide for the Appropriation of the Casual Revenue of the Crown arising from Escheated Estates.
[Assented to 15th July, 1867.]

WHEREAS by a Statute passed by the Imperial Parliament in the session holden in the fifteenth and sixteenth years of Her Majesty's reign, provision is made for the appropriation by or with the assent of the Crown of any Casual Revenue arising within the Colonies or foreign possessions (other than droits of the Crown and droits of the Admiralty) for or towards any public purposes within the colonies or possessions in which the same respectively may have arisen, and it is expedient to provide for the appropriation of such Casual Revenue, including the revenue to arise from sale of the estates and effects of persons who have died intestate and without heirs or next of kin: 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, as follows:—

Casual revenue
to be disposed of
by Legislature

1. All Casual Revenue of the Crown (other than droits of the Crown and droits of the Admiralty) which shall hereafter be paid by order of the Crown into the Public Treasury of the said Colony, shall be disposed of from time to time in such manner and for such public purposes as the Legislature of the said Colony shall think proper and direct.

Governor to
make good to
claimants
moneys appro-
priated
General revenue
liable to repay
the same

2. The Governor shall from time to time as occasion shall require repay or make good to any person preferring and duly proving his claim to the same after such appropriation as is hereinbefore provided, all such sums of money so appropriated, and all moneys in the Treasury forming part of or arising from the general revenue of this Colony shall be applicable for so repaying or making good the same.

Claimants may
present petition
to Supreme
Court

3. If any person preferring a claim to any moneys to be hereafter appropriated pursuant to the provisions of this Ordinance shall fail to prove his claim to the same, it shall nevertheless be lawful for him to present his summary petition to the Supreme Court of the said Colony against the Attorney-General of the said Colony as respondent thereto, and if he shall verify his said claim by evidence to the satisfaction of the said Court it shall be the duty of the said Court to make such order in the premises, including any award of costs, as justice shall require, and upon the application of such person or any other claimants or person, or of the said Attorney-General, to vary such order from time to time as may be deemed expedient, and to certify the same to the Governor to the intent that the claimant may have relief in the premises according to such order.

J. S. HAMPTON,
GOVERNOR AND COMMANDER-IN-CHIEF.