

Constitution
of the Legacy
Duty Sus-
pense Fund.

1. Out of all moneys received in the course of any one year by the Receiver General on account of the duties imposed by an order in Council of the 3rd of February, 1851, such an amount as the Governor from time to time appoints, not exceeding twenty pounds per centum of the total amount received in any one year, shall be carried to a separate account, entitled the Legacy Duty Suspense Account.

Application
of fund.

2. The Governor may from time to time make order for the payment out of any moneys standing to the credit of the Legacy Duty Suspense Account of remuneration to persons employed in collecting the duties imposed by the said Order in Council, such remuneration being by way of commission on the amount collected or otherwise, and of any other expenses of or incident to the collection of the said duties.

Power to
transfer
surplus to
general
revenue.

3. Where at any time it appears to the Governor that there is a surplus of the moneys standing to the credit of the Legacy Duty Suspense Account over and above what is required for the purpose of insuring that the fund will be able to meet the actual as well as the growing and contingent charges upon it, the Governor may by warrant under his hand declare that a sum specified in the warrant is not required for the purpose aforesaid, and order such sum to be transferred to the account of the general revenue of the Colony.

Passed in Council this first day of May, in the year of our Lord one thousand eight hundred and seventy-seven.

A. C. ROSS,
Clerk of the Council.

No. 10.—1877.

1st May.

AN ORDINANCE for the more effectual Protection of
the Estates of deceased Persons.

(L. S.) G. WILLIAM DES VŒUX.
7th May, 1877.

BE it enacted by His Excellency the Governor, by and
with the advice and consent of the Legislative
Council, as follows:—

1. This Ordinance shall be construed as one with the Ordinance No. 5 of 1863, intituled "An Ordinance for the Protection of the Estates of deceased Persons," in this Ordinance referred to as the principal Ordinance.

Construction
and short
titles.

The principal Ordinance may be cited for all purposes as "The Administrator General Ordinance, 1863." This Ordinance may be cited for all purposes as "The Administrator General Ordinance, 1877," and the principal Ordinance and this Ordinance together may be cited for all purposes as "The Administrator General Ordinances 1863 and 1877."

2. (1.) Where any person dies intestate, or leaving a will under which at the time of his death no one is entitled as executor, immediately upon such death, and, (2.) Where any person dies, leaving a will and upon the happening of some event subsequent to his death there is no one entitled as executor, immediately upon the happening of such subsequent event all the personal estate and effects of the person dying as aforesaid shall vest in the Administrator General subject to be divested upon the grant by any competent authority of the administration of such estate and effects to any other person.

Vesting of
vacant
property of
deceased
persons

3. (1.) Where any one dies, leaving a will under which at the time of his death no one resident in this Colony and above the age of twenty-one years is entitled as executor, immediately upon such death, and (2.) Where any person dies, leaving a will and upon the happening of some event subsequent to his death there is no one resident in this Colony and above the age of twenty-one years entitled as executor, immediately upon the happening of such subsequent event all the personal estate and effects of the person so dying shall vest in the Administrator General subject to be divested upon the grant by any competent authority of the administration of such estate and effects to any other person or upon any one resident in this Colony and above the age of twenty-one years becoming entitled as executor.

Provision
where
executor
infant or
absent.

4. The Administrator General shall not dispose of or

Limitation of
powers of

Administra-
tor General.

in any manner deal with any part of any estate or effects vested in him by virtue of this Ordinance, unless he obtain a grant of administration of such estate and effects under the principal Ordinance, except for the purpose of preserving or protecting the same or realising any asset the value of which if not realised forthwith might be lost.

Administra-
tion of estate
under £100.

5. Where by affidavit or otherwise it appears to any judge of the Supreme Civil Court in Equity in Chambers that any estate, whereof administration has been granted to the Administrator General under the principal Ordinance after deducting the payments properly made under sections five and seven of the principal Ordinance, does not exceed in amount or value the sum of one hundred pounds, it shall be lawful for such judge in chambers to make order for the administration of such estate, and to take the accounts of the funeral and testamentary expenses and debts of the testator or intestate and of his personal estate and for the application of the same in payment of the costs of suit of such Administrator General to be taxed as between solicitor and client and of the debts and legacies, if any, in a due course of administration and to inquire and ascertain who are the persons entitled to the residue of such estate, and such proceedings may be had as if a decree had been made for the administration of such estate.

Passed in Council this first day of May, in the year of our Lord one thousand eight hundred and seventy-seven.

A. C. ROSS,
Clerk of the Council.
