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**D.**

**BILL.**

**An Act to make better provision for the protection  
of the Property of persons dying intestate in this  
Province.**

**Read 1st time on Monday, 5th February, 1849.**

**2d Reading on Wednesday, 7th February, 1849.**

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**Printed by Order of the Hon. the Legislative Council.**

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**(200 Copies.)**

**Honorable G. S. BOULTON.**

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**J. C. BECKET, PRINTER.**

Q

Legis Council

**BILL.**

An Act to make better provision for the protection of the Property of persons dying intestate in this Province.

**WHEREAS**, it frequently happens that  
persons die intestate in this Province,  
possessed of considerable property, and without  
leaving any near relatives residing therein;  
5 and whereas in many instances such rela-  
tives, being in indigent circumstances, may  
be unable to procure satisfactory security for  
the due administration of the effects of such  
intestate, and whereas it is expedient that  
10 every precaution should be used to prevent  
the property of such persons so dying intestate  
from being squandered or wasted; Be it there-  
fore enacted, &c.

Preamble.

And it is hereby enacted by the authority  
15 of the same, That the Register of each Coun-  
ty, in each and every District in this Pro-  
vince, shall be Administrator of the County  
within which he is appointed, whose duty  
it shall be to apply for and take out letters  
20 of administration to all persons as aforesaid,  
dying intestate within such County. Pro-  
vided always that nothing herein contained  
shall prevent administration from being  
granted in the discretion of the Judge having  
25 authority to grant the same to the next of  
kin residing within this Province, upon giv-  
ing good and sufficient security to the satis-  
faction of the Judge of the Court granting  
such administration, duly to administer the  
30 personal estate and effects of the said person  
so dying intestate as aforesaid.

Governor may appoint an Administrator in each district.

Proviso.

**III.** And be it enacted, That each of such  
County Administrators shall, before entering  
upon the duties of his Office, give security to

Administrators shall give security.

the satisfaction of the Surrogate of such County, to the amount of **£2,000.** exclusive of the sum for which such Administrator may himself be bound for the faithful administration of such estates and effects. 5

**All sums collected by Administrators to be paid to the Receiver General.** IV. And be it enacted, That all sums of money which shall be collected by or may come into the hands of any such County Administrator, by virtue of his said office, shall be paid into the hands of Her Majesty's Receiver General for this Province, to the credit of the Administrator of the County, to be by him distributed in a due course of Administration. Provided always, that no sum shall be paid by Her Majesty's Receiver General on account of any intestate as aforesaid, but upon a certificate given by such County Administrator, and approved by the Judge of the Court having jurisdiction in matters of Administration within such District, as attested by his signature. 10 15 20

**Proviso.**

**Mode of dealing with balance remaining for two years unadministered.** V. And be it enacted, That should any balance remain in the hands of the Receiver General as aforesaid, unadministered for the space of two years next after the same shall have been paid to him as aforesaid, it shall and may be lawful for Her Majesty's Receiver General to transfer the same to the consolidated funds of the Province, and to execute a Debenture therefor in the official name of the Administrator of the County from whom he shall have received the same, bearing interest at the rate of four per cent., and payable at any time upon twelve months notice being given by the Administrator of the County, by the order and direction of the Judge to whose authority he shall be subject as aforesaid. 25 30 35