



BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

NO. 8.

An Ordinance authorizing the sale of the Real Estate of Intestates.

[22nd March, 1866.]

WHEREAS, the population of British Columbia consists chiefly of immigrants from distant lands, AND WHEREAS, by reason of the absence of the heir, the real estate of persons dying intestate in British Columbia is frequently wasted and deteriorated in value, for want of power to deal with the same at the proper time for the benefit of the heir; AND, WHEREAS, it is expedient to provide a remedy for such inconvenience;

Preamble.

Be it, therefore, enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

I. From and after the date of the passing hereof, it shall be lawful for any Judge of the Supreme Court of Civil Justice of British Columbia, upon cause first shewn before him, in a summary way on affidavit or by petition, that a sale or some other disposition would be proper or advantageous to the estate in this Colony of any person dying intestate in this Colony, by any order or writing under the hand of such Judge to authorise any Registrar or Deputy Registrar of the said Court, or the personal representative of the said deceased, to take possession of, hold, lease, sell or otherwise dispose of any real estate in this Colony belonging to the heirs of any such deceased intestate, and such real estate and the produce thereof, or the proceeds of the sale or disposition thereof or of any part thereof, after deducting or making a fair charge for the trouble and expense of such application, management, or sale to be fixed by the Court, to hold and account for the same, or, where a sale has taken place, pay the proceeds of such sale, after such deduction, into Court, under the Trustees' Relief Ordinance, 1866, in trust for and to transfer the same, under the orders of the said Court, to the lawful heirs of such intestate, when and so soon as such heirs shall have been ascertained to the satisfaction of the said Court.

Powers vested in Judge of Supreme Court to order disposal of Intestate Estates.

II. All monies paid into Court under this Ordinance, and the Trustees' Relief Ordinance, 1866, shall be paid in to the credit of the Accountant General of the Supreme Court of Civil Justice of British Columbia to a separate account, to be intituled "The Real Estate Account of (naming the person) deceased intestate."

Accountant General of Supreme Court to receive all payments.

III. No fees of Court shall be payable upon any application to the Court under this Ordinance.

No Fees of Court.

IV. Provided that this Ordinance shall not take effect until Her Majesty's approval thereof shall have been proclaimed in this Colony.

Suspending Clause.

V. This Ordinance shall be cited as "The Intestate Estate Sale Ordinance, 1866."

Short Title.

Passed the Legislative Council the 23rd day of February, A.D. 1866.

CHARLES GOOD, Clerk of the Council.

H. M. BALL, Presiding Member.

Assented to, in Her Majesty's name, this 22nd day of March, 1866.

ARTHUR N. BIRCH, Administering the Government.