

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. CXXI.

An Act to amend the Law in relation to the Wills and Domicile of *British* Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.

[6th *August* 1861.]

WHEREAS by reason of the present Law of Domicile the Wills of *British* Subjects dying whilst resident abroad are often defeated, and their Personal Property administered in a Manner contrary to their Expectations and Belief; and it is desirable to amend such Law, but the same cannot be effectually done without the Consent and Concurrence of Foreign States: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

No British Subject dying in a Foreign Country to be deemed to have acquired a Domicile unless resident there for One

1. Whenever Her Majesty shall by Convention with any Foreign State agree that Provisions to the Effect of the Enactments herein contained shall be applicable to the Subjects of Her Majesty and of such Foreign State respectively, it shall be lawful for Her Majesty by any Order in Council to direct, and it is hereby enacted, That from and after the Publication of such Order in the *London Gazette* no *British* Subject resident at the Time of his or her Death in the Foreign Country named

Year immediately preceding his or her Death, &c., and for all Purposes of Testate or Intestate Succession shall retain the Domicile possessed at the Time of going to reside in such Foreign Country.

named in such Order shall be deemed under any Circumstances to have acquired a Domicile in such Country unless such *British* Subject shall have been resident in such Country for One Year immediately preceding his or her Decease, and shall also have made and deposited in a Public Office of such Foreign Country (such Office to be named in the Order in Council) a Declaration in Writing of his or her Intention to become domiciled in such Foreign Country; and every *British* Subject dying resident in such Foreign Country, but without having so resided and made such Declaration as aforesaid, shall be deemed for all Purposes of Testate or Intestate Succession as to Moveables to retain the Domicile he or she possessed at the Time of his or her going to reside in such Foreign Country as aforesaid.

No Foreign Subject dying in Great Britain or Ireland to be deemed to have acquired a Domicile unless resident therein for One Year immediately preceding his or her Death, &c.

2. After any such Convention as aforesaid shall have been entered into by Her Majesty with any Foreign State it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the *London Gazette* it shall be and is hereby enacted, that no Subject of any such Foreign Country who at the Time of his or her Death shall be resident in any Part of *Great Britain* or *Ireland* shall be deemed under any Circumstances to have acquired a Domicile therein, unless such Foreign Subject shall have been resident within *Great Britain* or *Ireland* for One Year immediately preceding his or her Decease, and shall also have signed, and deposited with Her Majesty's Secretary of State for the Home Department, a Declaration in Writing of his or her Desire to become and be domiciled in *England*, *Scotland*, or *Ireland*, and that the Law of the Place of such Domicile shall regulate his or her Moveable Succession.

Who this Act shall not apply to.

3. This Act shall not apply to any Foreigners who may have obtained Letters of Naturalization in any Part of Her Majesty's Dominions.

When Subjects of Foreign States shall die in Her Majesty's Dominions, and there shall be no Persons to administer to their Estates, the Consuls of such Foreign States may administer.

4. Whenever a Convention shall be made between Her Majesty and any Foreign State, whereby Her Majesty's Consuls or Vice-Consuls in such Foreign State shall receive the same or the like Powers and Authorities as are herein-after expressed, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the *London Gazette* it shall be and is hereby enacted, that whenever any Subject of such Foreign State shall die within the Dominions of Her Majesty, and there shall be no Person present at the Time of such Death who shall be rightfully entitled to administer to the Estate of such deceased Person, it shall be lawful for the Consul, Vice-Consul, or Consular Agent of such Foreign State within that Part of Her Majesty's Dominions where

where such Foreign Subject shall die, to take possession and have the Custody of the Personal Property of the Deceased, and to apply the same in Payment of his or her Debts and Funeral Expenses, and to retain the Surplus for the Benefit of the Persons entitled thereto; but such Consul, Vice-Consul, or Consular Agent shall immediately apply for and shall be entitled to obtain from the proper Court Letters of Administration of the Effects of such deceased Person, limited in such Manner and for such Time as to such Court shall seem fit.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.