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CAP. CXI.

An Act to regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons. [5th *July* 1865.]

BE it 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 the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Navy and Marines (Property of Deceased) Act, 1865.

Interpretation of Terms.

2. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Officer" means a Commissioned, Warrant, or Subordinate Officer, or Assistant Engineer, in Her Majesty's Naval or Marine Force:

The Term "Seaman or Marine" means a Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, or other Person forming Part, in any Capacity, of the Complement of any of Her Majesty's Vessels, or otherwise belonging to Her Majesty's Naval or Marine Force (not being an Officer within the Meaning of this Act), or a Petty Officer or Man of the Royal Naval Reserve or Naval Coast Volunteers:

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The Term "Representation" includes Probate and Letters of Administration, with or without Will annexed:

The Term "Representative" means any Person taking out Representation:

The Term "Person" includes a Corporation.

Residue belonging to deceased Officers, Seamen, or Marines.

3. On the Death of any Person being or having been an Officer, Seaman, or Marine, the Amount (if any) to the Credit of the Deceased in the Books of the Admiralty, in respect of Sale of Effects, Arrears of Pay, Wages, Prize Money, Bounty Money, Grants, or other Allowances in the Nature thereof, or other Money payable by the Admiralty (which Amount is hereafter in this Act, with reference to every such Case, called the Residue), shall be disposed of according to the Provisions of this Act.

Residue belonging to deceased Persons in Civil Service of Navy.

4. On the Death of any Person being or having been employed in any of Her Majesty's Dockyards or other Naval Establishment, or in any of the Civil Departments of the Navy, or entitled to an Allowance from the Compassionate Fund, or of any Widow entitled to a Pension on the Establishment of the Navy, the Amount (if any) due by the Admiralty (which Amount is hereafter in this Act, with reference to every such Case, called the Residue), shall be disposed of according to the Provisions of this Act.

Residue exceeding 100*l.* to be paid to Representative.

5. Where the Residue exceeds One hundred Pounds the Admiralty shall dispose thereof by paying it to the Representative of the Deceased.

Residue not exceeding 100*l.* to be paid to Representative, if any.

6. Where the Residue does not exceed One hundred Pounds it shall not be necessary for any Purpose that Representation to the Deceased be taken out; but in any Case the Admiralty may, if they think fit, require Representation to be taken out, and, if on that Requisition or otherwise, Representation is taken out, then the Admiralty shall dispose of the Residue by paying it to the Representative.

Power to require Certificate, &c. before Representation.

7. In the Case, nevertheless, of a Seaman or Marine, the Admiralty shall not be bound to pay the Residue (whatever be its Amount) to the Representative of the Deceased, if Representation has been taken out either by a Creditor as such, or by any Person without such Certificate respecting the Title to Representation having been first obtained from the Admiralty, or such other Regulations or Conditions having been duly observed or performed, as is or are prescribed by Order in Council; and in any such Case the Admiralty shall dispose of the Residue in pursuance of this Act as if Representation had not been taken out.

Residue not exceeding 100*l.*, and no Representation, Power to pay it to Widow, &c.

8. Where the Residue does not exceed One hundred Pounds, and Representation is not taken out, then, subject to the other Provisions of this Act, the Admiralty shall, as soon as may be, dispose of the Residue as follows:—

(1.) They shall, if they think fit, pay the Residue to any Person showing herself or himself to their Satisfaction to be entitled to take out Representation to the Deceased (otherwise than as a Creditor)—to the end that the Residue may

may be applied by the Person to whom it is so paid in a due Course of Administration; and the same shall be so applied accordingly (for which Application the Admiralty may require such Security as they think fit):

(2.) Or else the Admiralty shall, if they think fit, pay to the Persons (if any) beneficially interested in the Residue their respective Shares thereof:

(3.) And in Cases where the foregoing Provisions of the present Section do not apply, and the Amount of the Residue appears to the Admiralty insufficient to cover the Expense of Representation, the Admiralty shall dispose of the Residue in manner prescribed by Order in Council.

Admiralty not bound to pay to Nominee of Representative.

9. In the Case of a Seaman or Marine, the Admiralty shall not pay the Residue or any Part thereof to any Nominee of the Representative of the Deceased or of a Person entitled to take out Representation to the Deceased, whether such Nominee be appointed by Power of Attorney or otherwise, unless in special Circumstances it appears to the Admiralty safe and proper to make such Payment to any such Nominee.

Admiralty not to dispose of Residue for Three Months, &c.

10. Notwithstanding anything in this Act, the Admiralty shall not in any Case dispose of the Residue or any Part thereof otherwise than by paying the same to the Representative of the Deceased, until after the Expiration of Three Months from the Receipt by the Admiralty of Notice of the Death, unless in special Circumstances it appears to the Admiralty safe and proper to dispose of the Residue or any Part thereof at an earlier Time.

Provision for Payment of Debts out of Residue.

11. In the Case of a Seaman or Marine, where Representation is not taken out, the Admiralty shall before disposing of the Residue or any Part thereof satisfy out of the Residue (as far as the same will extend) any Debt of the Deceased of which they have Notice, subject to the following Conditions:

First.—That the Debt accrued due within Three Years before the Death:

Second.—That Payment of it is claimed within Two Years after the Death:

Third.—That the Claimant proves the Debt to the Satisfaction of the Admiralty:

Fourth.—That Six Months have elapsed from the Receipt by the Admiralty of Notice of the Death, and no Person has shown herself or himself to the Satisfaction of the Admiralty to be entitled to take out Representation to the Deceased.

In any such Case, any Person claiming to be a Creditor of the Deceased shall not be entitled to obtain Payment of his Debt out of any Money being under this Act in the Hands of the Admiralty by any Means or Proceeding whatever except by means of a Claim lodged with the Admiralty and Proceedings thereon under and according to this Act.

Saving for existing Claims.

12. Nothing in this Act shall prejudicially affect the Claim of any Creditor in respect of a Debt incurred before the Commencement of this Act.

13. The

Provision as to unsold Effects, &c.

13. The Provisions of this Act relative to the Residue, in the Case of a deceased Officer, Seaman, or Marine, shall extend and apply, *mutatis mutandis*, to unsold Effects and Money (if any) in charge of the Admiralty.

Disposal of Medals and Decorations.

14. Medals and Decorations belonging to an Officer, Seaman, or Marine dying on Service shall not be considered as comprised in the Personal Estate of the Deceased with reference to the Claims of Creditors, or for any of the Purposes of Administration under this Act or otherwise; and, notwithstanding anything in this or any other Act, the same shall be held and disposed of according to Regulations prescribed by Order in Council.

Exemptions from Duty.

15. Where the Residue does not exceed One hundred Pounds and is administered and disposed of under this Act without Representation being taken out, it shall not be liable to the Payment of any Duty; and if in any Case the Admiralty under this Act require Security by Bond for the Application of a Residue in due Course of Administration, the Bond shall be exempt from Stamp Duty where an ordinary Administration Bond relative to the same Residue would be so exempt; but this Provision shall not affect any Exemption from Duty existing independently hereof.

Validity of Payments, Sales, &c. under this Act.

16. Every Payment or Application of Money, and every Sale or other Disposition of Property, made by the Admiralty in pursuance of this Act, or of any Order in Council for carrying this Act into effect, shall be good and valid as against all Persons whomsoever; and the Admiralty shall be by virtue of this Act absolutely discharged from all Liability in respect of the Money or other Property so paid, applied, or disposed of.

Her Majesty may make Orders in Council.

17. Her Majesty in Council may from Time to Time make such Orders in Council as seem meet for the better Execution of any of the Purposes of this Act.

Orders in Council to be published in the London Gazette.

18. Every Order in Council under this Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within Thirty Days after the making thereof if Parliament is then sitting, and if not then within Thirty Days after the next meeting of Parliament.

Commencement of Act.

19. This Act shall commence on such Day, not later than the First Day of *January* One thousand eight hundred and sixty-six, as Her Majesty in Council thinks fit to direct.

Any Order in Council for the better Execution of any of the Purposes of this Act may nevertheless be made before that Day, but not so as to commence before it.

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