SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 36.

An Act to provide for the determination of the Acts respecting the Sale and Transfer of Incumbered Estates in the West Indies. [25th June 1886.]

A.D. 1886.

WHEREAS the West Indian Incumbered Estates Act, 1854, authorised the appointment of Commissioners (in this Act referred to as the West Indian Incumbered Estates Commissioners) with the powers in the said Act mentioned for the purpose of the sale and transfer of incumbered estates in the colonies (in the West Indies) named in the schedule to the said Act, and made provisions for the disposal of the moneys arising from any such sale and for the payment of such moneys in certain cases to some officer or into some court either in England or the colony; and further enacted as follows:—"Her "Majesty may from time to time by Order in Council direct this "Act to come into operation in any of the said scheduled colonies, "and thereupon, but not otherwise, the same shall have the force "of law in the colony or colonies named in any such Order, but "no such Order in Council shall be made in respect of any colony "until the legislature of such colony has presented an Address to "Her Majesty, praying Her Majesty to issue such Order, and has "also, to the satisfaction of Her Majesty's Principal Secretary of "State for the Colonies, made provision for the payment of the "salaries of the local commissioners, and of all such assistants, "secretaries, clerks, messengers, and officers as may be appointed "under this Act in such colony, and of such other expenses of "carrying this Act into execution as are herein-before directed to "be provided for by the legislature of the colony": 17 & 18 Vict. c. 117.

And whereas the said Act has been amended by the West Indian Incumbered Estates Act, 1858, by the West Indian Incumbered Estates Act, 1862, and by the West Indian Incumbered Estates Act, 1864: 21 & 22 Vict. c. 96. 25 & 26 Vict. c. 45. 27 & 28 Vict. c. 108.

A.D. 1886.

And whereas Commissioners were appointed under the West Indian Incumbered Estates Act, 1854, and divers Orders in Council were made applying that Act and the Acts amending the same to sundry of the said colonies:

And whereas under the West Indian Incumbered Estates Act, 1854, the remuneration of the West Indian Incumbered Estates Commissioners and their officers, and their expenses, if incurred in England, were directed to be paid out of moneys provided by Parliament, and the remuneration of the local commissioners and other officers in the colony, and the expenses incurred in a colony, were directed to be defrayed out of moneys provided for the purpose by the legislature of the colony:

And whereas the office and jurisdiction of the West Indian Incumbered Estates Commissioners were limited to expire at the end of six years from the date at which the said Act of 1854 took effect, but were subsequently continued by various Acts until the thirty-first day of March one thousand eight hundred and seventy-two:

35 & 36 Vict. c. 9.

And whereas by the Act of the session of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter nine, intituled "An Act to continue the appointment and jurisdiction of "the Commissioners for the Sale of Incumbered Estates in the West "Indies," the office and jurisdiction of the West Indian Incumbered Estates Commissioners were continued until Parliament should otherwise determine, but it was enacted that no moneys provided by Parliament should be applicable to the payment of the said Commissioners, or of any persons connected with them, and by reason of that Act and of the proceedings of the governments of various colonies the West Indian Incumbered Estates Commissioners receive at present no remuneration, except any surplus of the fees which may remain after payment of expenses:

And whereas the legislative councils of some of the colonies in which the said Acts are in force have passed resolutions in favour of the abolition of the jurisdiction in those colonies of the West Indian Incumbered Estates Commissioners, and there is no power to abolish such jurisdiction without the authority of Parliament, and it is expedient to confer such power:

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 the authority of the same, as follows:

Short title

1. This Act may be cited as the West Indian Incumbered Estates Act, 1886.

A.D. 1886.

The above-recited Acts are in this Act referred to as the West Indian Incumbered Estates Acts, 1854 to 1872, and those Acts, together with this Act, may be cited as the West Indian Incumbered Estates Acts, 1854 to 1886.

Power to the Queen in Council to abolish West Indian Incumbered Estates Commission as regards any colony.

2. It shall be lawful for Her Majesty from time to time by Order in Council to direct that the West Indian Incumbered Estates Acts, 1854 to 1872, shall cease to be in operation in the colony as from the date mentioned in the Order, and such Order in Council shall have effect as if enacted by this Act.

Before such Order is made in respect of any colony, an Address from the legislature of the colony praying for the Order shall be presented to Her Majesty.

Contents of Order.

3. (1.) Every Order in Council under this Act shall contain such provisions as to Her Majesty may seem expedient for all or any of the following purposes; namely,

(*a*) for saving the past operation of the above-mentioned Acts, and anything done and any rights and liabilities acquired or accrued thereunder;

(*b*) for the continuance, either by the West Indian Incumbered Estates Commissioners, or by a court in England or the colony, or otherwise, of all proceedings pending at the date of the Order coming into operation;

(*c*) for the disposal of all moneys which are under the control of the West Indian Incumbered Estates Commissioners, or are by virtue of the West Indian Incumbered Estates Acts, 1856 to 1872, under the control of any court or officer either in England or the colony, including the disposal of all unclaimed moneys; and

(*d*) all such matters as seem to Her Majesty necessary or proper for giving full effect to the Order, and for preserving the interests of all persons affected by any sales or other transactions of the West Indian Incumbered Estates Commissioners.

(2.) If it appears to Her Majesty that as respects any colony any Act or Ordinance of the legislature of the colony is necessary for the purpose of securing or better carrying into effect any of the above provisions, or for the purpose of protecting any interests, it shall be lawful for Her Majesty to refuse to make an Order in Council under this Act as respects that colony until the legislature of the colony has passed such Act or Ordinance as so appears necessary.

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