

[L.S.]

F. H. MAY.



No. III. of 1912.

KING'S REGULATION

TO PROVIDE FOR THE DEVOLUTION IN CERTAIN CASES
OF INTESTATE ESTATES.

Made by His Britannic Majesty's High Commissioner of the Western
Pacific in accordance with the provisions of the Pacific Order in
Council, 1893.

In the name of His Majesty, George the Fifth, by the Grace of
God of the United Kingdom of Great Britain and Ireland and
of the British Dominions beyond the Seas King, Defender of
the Faith, Emperor of India.

1.—(1) This Regulation may be cited as the Solomon and Gilbert Short title.
and Ellice Islands (Intestate Estates) Regulation, 1912.

2. The Solomon and Gilbert Islands (Intestate Estates) Regula- Repeals Regulation
tion, 1911, is hereby repealed. No. I of 1911.

3. In this Regulation—

“the Protectorate” means the Protectorate of the British “the Protectorate”;
Solomon Islands or the Gilbert and Ellice Islands Protec-
torate (including Ocean Island);

“Resident Commissioner” means the Resident Commissioner “Resident Commis-
sioner”;
of the Protectorate wherein is the particular estate which
becomes subject to the provisions of this Regulation;

“estate” means all estate of whatever nature.

“estate.”

Devolution and distribution of intestate estate in certain cases.

Powers of court.

4.—(1) After the expiration of five years from the date when administration of the estate of any person dying intestate, or probate of the will of any person dying partially intestate, has been granted (or assumed), or, if there has been no grant (or assumption), then from the death of that person, the estate of that person, or so much thereof as has descended or is distributable under the intestacy and is then unclaimed, or the person or persons entitled to which is or are unknown, shall be transferred to and vested in the Resident Commissioner.

(2) If, by reason of the inability, refusal, neglect, or failure of any person to effect the transfer or vesting of the estate in the last preceding subsection mentioned, or any part thereof, the Resident Commissioner is unable to obtain that transfer or vesting, the court having jurisdiction may, on the application of the Resident Commissioner and on being satisfied as to the facts, make all, or any one or more, of the following orders as the circumstances of the case may require, that is to say:—

- (a) an order vesting in the Resident Commissioner all or any part of the estate to be transferred and vested as aforesaid; or
- (b) an order vesting in the Resident Commissioner the right to call for a transfer of, or to sue for or recover all or any part of, that estate; or
- (c) an order appointing some proper person to make, or join in making, a transfer of all or any part of that estate.

(3) All property transferred to, or vested in, the Resident Commissioner under the two preceding subsections shall, subject as hereinafter provided, be vested in, and held by, him and his successors in office for the use and benefit of his Majesty's Government of the Protectorate.

(4) If, within five years from the date of the transfer and vesting aforesaid, any person shall lay claim to the estate, or any part thereof, and shall prove his title thereto to the satisfaction of the Resident Commissioner, who may require the claimant to prove his claim before a court of law, the same shall be transferred, or paid without interest from the general revenue of the Protectorate, to that person.

(5) After the expiration of the last mentioned period of five years no claim to the estate or any part thereof shall be entertained by the Resident Commissioner or by any court of law, and the same shall be deemed to have been transferred to, and to have vested in, the Resident Commissioner, for the use and benefit aforesaid, absolutely.

Published and exhibited in the Office of the High Commissioner for the Western Pacific at Suva this twenty-ninth day of February, one thousand nine hundred and twelve.

By Command,

C. H. HART-DAVIS,
Secretary to His Britannic Majesty's High Commissioner
for the Western Pacific.