



ANNO QUINQUAGESIMO QUARTO ET QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1891.

No. 514.

An Act to provide for the Payment of certain Unclaimed Moneys into the General Revenue, and for other purposes.

[Assented to, October 14th, 1891.]

WHEREAS it is expedient to provide for the payment into the General Revenue of the moneys hereinafter referred to, and to make other provisions relating thereto—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited for all purposes as “The Suitors Unclaimed Funds Act, 1891.”

Short title.

2. In this Act, unless inconsistent with the context:

Interpretation.

“Suitors’ Fund” means—

(a) All moneys or securities for money which, at the time of the passing of this Act, or at any time thereafter, shall be in the custody or charge of the Supreme Court of the said province, or of any Judge thereof, or of the Master of the said Supreme Court, and shall by him or them have been received by virtue of their respective office or offices for or on account of, or to the use or credit of, any person or persons whatsoever in any action, matter, or proceeding in the said Court:

(b) All

The Suitors Unclaimed Funds Act.—1891.

(b) All moneys or securities for money which, at the time of the passing of this Act, or at any time thereafter, shall be in the custody or charge of the Supreme Court of the said province, or any Judge thereof, or in the custody or charge of the Public Trustee of the said province, and shall have been received by them or him for or on account of or to the use or credit of any person or persons whatsoever, by virtue of their or his office, and in exercise of the powers conferred on them or him by any Act or Acts heretofore, now, or hereafter in force in the said province :

(c) All interest and income which, at the time of the passing of this Act, or at any time thereafter, shall have actually accrued from any investment of the whole or any part of the moneys hereinbefore referred to:

“Unclaimed,” as applied to any money, means unclaimed as regards principal, interest, and income.

“Officer accountable” means any officer or person having the custody or control of the “Suitors’ Fund”:

“Court” means the Supreme Court of the said province and any Judge thereof.

Payment to be made to the Treasurer for the public uses of all sums which have been to the credit of the Suitors’ Fund for six years unclaimed.

3. In the month of January which will be in the year one thousand eight hundred and ninety-two, and in the same month in every succeeding year, the officer accountable shall pay to the Treasurer, as part of the General Revenue and for the public uses of the said province, all sums of money in his custody or control then standing to the credit of the Suitors’ Fund which shall, on the first day of that month, have been unclaimed for a period of six years next preceding, and such moneys shall not be afterwards claimable from the Treasurer unless the Court shall otherwise order in terms of section 4 hereof; and the officer accountable shall, on the first day of January in every year, or within seven days next following, furnish to the Treasurer an account of all sums of money which shall be so payable to the Treasurer as aforesaid at the next ensuing annual payment.

Parties subsequently claiming may petition the Supreme Court, &c.

4. If at any time after any such money shall have been so paid to the Treasurer any person entitled thereto shall apply to the Court, by summons, for the payment to him of such money or any part thereof, and the Court shall be satisfied upon affidavit or other sufficient evidence adduced that the applicant is entitled to the money claimed by him, or any part thereof, the Court shall make an order for payment thereof, with or without simple interest thereon at the rate of three and a half per centum per annum, from the time the same shall have been paid to the Treasurer as aforesaid; and on any such order being served on the Chief Secretary the same shall be immediately communicated to

The Suitors Unclaimed Funds Act.—1891.

to the Governor, who shall issue a warrant under his hand to the Treasurer to pay the money mentioned in such order to the party entitled to receive the same.

Upon order being made for payment, Governor to issue warrant, &c.

5. The Treasurer shall issue and pay the money mentioned in such warrant as aforesaid to the person or persons to whom the same shall be payable by virtue of such order as aforesaid; and the receipts of the respective persons to whom the same shall be so paid shall be full and valid discharges for any such sum or sums as shall be therein mentioned to have been received.

Treasurer to pay under Governor's warrant.

6. Subject to the directions for investment contained in any will, settlement, or other instrument affecting any portion of the said Suitors' Fund, which may be in course of administration by the officer accountable, he shall, unless the Supreme Court or a Judge thereof shall otherwise order, from time to time invest all moneys which shall be standing to the credit of the Suitors' Fund in the purchase of Government securities, or on loan to the Treasurer, or to the Trustees of the Savings Bank of the said province, or on deposit at interest with any incorporated or chartered bank carrying on business in the said province, and which shall have been approved of by the Treasurer for such purpose; and may, from time to time, with the approval of the Court, effect the sale or exchange of such Government securities, or the withdrawal of the said moneys, or any part thereof.

Suitors' Fund to be invested.

7. If any portion of the said Suitors' Fund shall, at the time of the said first or any subsequent annual payment to the Treasurer under the provisions hereof, consist of securities for moneys which shall have been unclaimed for a period of six years next preceding such annual payment, the officer accountable shall, from time to time, and as soon as practicable, convert such securities into money and pay the proceeds of such conversion to the Treasurer.

Securities for moneys to be transferred to officer nominated by Treasurer.

8. It shall be the duty of the Commissioners of Audit, or any officers appointed by them, to audit all accounts relating to the said Suitors' Fund, in the manner provided and by virtue and in exercise of the powers conferred by "The Audit Act, 1882," or any other Act heretofore, now, or hereafter in force relating to the audit of the public accounts.

Suitors' Fund to be audited.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.