



**BERMUDA
1870 : 23**

APPROPRIATION OF ESCHEATS ACT 1870

ARRANGEMENT OF SECTIONS

- 1 Certain Crown revenues made public
- 2 Governor may order payment of claims
- 3 Appeal
- 4 Governor may transfer escheated realty to Minister of Finance
- 5 Governor may order payment to Provost Marshal General

SCHEDULE

Forms of transfer[13 October 1870]

WHEREAS by an Act of the Parliament of the United Kingdom entitled the Crown Revenues (Colonies) Act 1852, provision was made for the appropriation of any casual revenues arising within the colonies or foreign possessions of the Crown (other than droits of the Crown and droits of the Admiralty) for or towards any public purposes within the colonies or possessions in which the same respectively may have arisen, and it is expedient to provide for the appropriation of such casual revenue including the revenue to arise from the estates and effects of persons who have died intestate and without heirs or next of kin:

[words of enactment omitted]

APPROPRIATION OF ESCHEATS ACT 1870

Certain Crown revenues made public

1 All casual revenues of the Crown (other than revenues arising from quit rents or sales of Crown lands held in fee simple conditional, droits of the Crown except personal property devolving on the Crown through the death of any person wholly or partially intestate and without next of kin, and droits of Admiralty) arising in Bermuda shall form part of the general revenue and shall be appropriated as the Legislature may from time to time determine.

Governor may order payment of claims

2 The Governor may from time to time after such appropriation order the payment of any claim in respect of such casual revenues which upon legal, equitable or moral grounds is established by any person to the satisfaction of the Governor and thereupon the Minister of Finance (hereinafter referred to as "the Minister") may issue his warrant to the Accountant General for payment of the claim out of the general revenue of the Government.

Appeal

3 If any person preferring a claim to any money which is hereafter appropriated, pursuant to this Act, as being legally entitled thereto fails to prove his claim to the money, he may nevertheless present a summary petition to the Supreme Court against the Attorney-General; and if he verifies his claim as aforesaid by evidence to the satisfaction of the Supreme Court, the Court shall make such order in the premises, including any award of costs as justice may require; and upon the application of such person, or of any other claimant or person, or of the Attorney-General, shall vary such order from time to time as may be deemed expedient, and shall certify the same to the Governor to the intent that the claimant may have relief in the premises according to such order.

Governor may transfer escheated realty to Minister of Finance

4 Where real property has by escheat become part of the general revenue of Bermuda, and by reason of any difficulty in procuring a sale for the property, or from any other cause, such property cannot be or is not converted into money, then the Governor may execute a deed of transfer thereof to the Minister in Form A in the Schedule, and such deed shall be registered by the Secretary to the Cabinet and the property thereby transferred shall be held by the Minister and his successors for the public purposes of the Government of Bermuda and shall be thereafter let for hire, sold or otherwise dealt with as the Governor may direct:

Provided that the Governor as hereinbefore provided may, from time to time after the appropriation of such real estate for public purposes, direct a transfer of the whole or any part thereof to be made to any person or persons who establishes, to the satisfaction of the Governor, a legal, equitable or moral claim thereto; and thereupon a transfer shall be made in Form B in the Schedule; and while any such real estate remains public property the rents and profits thereof shall be collected by the Provost Marshal General under the direction of the Minister, and the Provost Marshal General shall also, when a sale is directed, sell the property, and out of the rents and profits and proceeds of such property the Provost Marshal General under the direction of the Minister shall provide for the necessary maintenance and repairs and the rates and taxes due in respect of such property, and after deducting two and one half cents in the dollar on all money received by him and two and one half cents in the dollar on all money disbursed by him on public account, pay the residue thereof into the Consolidated Fund.

Governor may order payment to Provost Marshal General

5 The Governor may order in such cases as he may see fit that payment is to be made in advance to the Provost Marshal General of any fees and costs incurred or paid or to be paid by him in the conduct of any case of escheat; and the Minister may issue his warrant to the Accountant General for payment of the same.

APPROPRIATION OF ESCHEATS ACT 1870

SCHEDULE

FORMS OF TRANSFER.

FORM A.

FORM OF TRANSFER TO MINISTER OF FINANCE.

BERMUDA, or
SOMERS ISLANDS.

(L.S.) I _____, Governor and Commander-in-Chief of Bermuda, by virtue of the Appropriation of Escheats Act 1870, and on behalf of [Her] Majesty do grant and transfer unto _____, Minister of Finance, and his successors in the said office all [*here describe the property*], which premises have lately escheated to [Her] Majesty, to hold the same unto the said _____, Minister of Finance as aforesaid, and to his successors in the said office, but upon trust to apply and dispose of the same for the public uses of Bermuda and otherwise as directed by the said Act.

IN WITNESS WHEREOF I, the said Governor and Commander-in-Chief of Bermuda, have hereto set my hand and caused the Public Seal of Bermuda to be affixed the day of _____ 19____

FORM B.

FORM OF TRANSFER FROM MINISTER OF FINANCE TO GRANTEE.

BERMUDA, or SOMERS ISLANDS.

I _____, Minister of Finance, by virtue of the Warrant of his [*style, name and description of the Governor or Officer Administering the Government*] to me directed bearing date the day of _____ and of the Appropriation of Escheats Act 1870, and on behalf of [Her] Majesty, do hereby grant and transfer unto [*name and description of grantee*] his heirs and assigns all [*here describe the property*] which premises have lately escheated to [Her] Majesty, to hold the same to the said _____, his heirs and assigns, to the use of the said _____, his heirs and assigns for ever.

IN WITNESS WHEREOF I have hereunto set my hand and seal this _____ day of _____ 19____.

[Amended by 1930 : 13
1951 : 78
1949 : 26
1951 : 68
1952 : 11
1969 : 182
1969 : 666
1971 : 82
1971 : 83]