

Wills made Abroad.

AN ACT to amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions. [6th August, 1861.]

WHEREAS by reason of the present law of domicile the wills of British subjects dying whilst resident abroad are often defeated, and their personal property administered in a manner contrary to their expectations and belief; and it is desirable to amend such law, but the same cannot be effectually done without the consent and concurrence of foreign States:

1. Whenever Her Majesty shall by convention with any foreign State agree that provisions to the effect of the enactments herein contained shall be applicable to the subjects of Her Majesty and of such foreign State respectively, it shall be lawful for Her Majesty by any Order in Council to direct, and it is hereby enacted, that from and after the publication of such Order in the *London Gazette* no British subject resident at the time of his or her death in the foreign country named in such Order shall be deemed under any circumstances to have acquired a domicile in such country unless such British subject shall have been resident in such country for one year immediately preceding his or her decease, and shall also have made and deposited in a public office of such foreign country (such office to be named in the Order in Council) a declaration in writing of his or her intention to become domiciled in such foreign country;

No British subject, dying in a foreign country with which a convention has been made, to be deemed to have acquired a domicile unless resident there for one year immediately preceding death, &c.,

And every British subject dying resident in such foreign country, but without having so resided and made such declaration as aforesaid, shall be deemed for all purposes of testate or intestate succession as to movables to retain the domicile he or she possessed at the time of his or her going to reside in such foreign country as aforesaid.

and, for all purposes of testate or intestate succession, shall retain native domicile.

2. After any such convention as aforesaid shall have been entered into by Her Majesty with any foreign State, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the publication of such Order in the *London Gazette* it shall be and is hereby enacted, that no subject of any such

No foreign subject, dying in Great Britain or Ireland, to be deemed to have acquired

4 & 25 Vict., foreign country who at the time of his or her death shall be
. 121. resident in any part of Great Britain or Ireland shall be deemed

domicile un- under any circumstances to have acquired a domicile therein,
less resident unless such foreign subject shall have been resident within Great
herein for Britain or Ireland for one year immediately preceding his or her
one year, &c. decease, and shall also have signed, and deposited with Her
Majesty's Secretary of State for the Home Department, a decla-
ration in writing of his or her desire to become and be domiciled
in England, Scotland, or Ireland, and that the law of the place
of such domicile shall regulate his or her movable succession.

Act not to
apply to
naturalized
foreigners.

3. This Act shall not apply to any foreigners who may have
obtained letters of naturalization in any part of Her Majesty's
dominions.

When subjects
of foreign
States shall die
in Her Ma-
jesty's do-
minions, and
there shall be
no persons to
administer to
their estates,
the Consuls of
such foreign
States may
administer.

4. Whenever a convention shall be made between Her
Majesty and any foreign State, whereby Her Majesty's Consuls
or Vice-Consuls in such foreign State shall receive the same or
the like powers and authorities as are hereinafter expressed, it
shall be lawful for Her Majesty by Order in Council to direct,
and from and after the publication of such Order in the *London
Gazette* it shall be and is hereby enacted, that whenever any
subject of such foreign State shall die within the dominions of
Her Majesty, and there shall be no person present at the time of
such death who shall be rightfully entitled to administer to the
estate of such deceased person, it shall be lawful for the Consul,
Vice-Consul, or Consular Agent of such foreign State within
that part of Her Majesty's dominions where such foreign subject
shall die to take possession and have the custody of the personal
property of the deceased, and to apply the same in payment of
his or her debts and funeral expenses, and to retain the surplus
for the benefit of the persons entitled thereto ;

But such Consul, Vice-Consul, or Consular Agent shall
immediately apply for and shall be entitled to obtain from the
proper Court letters of administration of the effects of such
deceased person, limited in such manner and for such time as
to such Court shall seem fit.