

UNCLAIMED DEPOSITS ACT, 1866

25 of 1866

[11th July, 1866.]

CONTENTS

1. Money deposited in High Courts and unclaimed for twenty years transferred to Government
2. Proceeds of estates administered under order of Supreme Court of Straits Settlements or in charge of Administrator General of Bengal
3. Transfer not made pending suits
4. Repayment on subsequent establishment of claim

UNCLAIMED DEPOSITS ACT, 1866

25 of 1866

[11th July, 1866.]

STATEMENT OF OBJECTS AND REASONS "Sum amounting to nearly Rs. 6.70.000 in Government Securities and cash, are now in the High Courts of the three Presidency towns, deposited in the course of suits instituted in the late Supreme Courts of Calcutta, Madras and Bombay. There are also funds deposited under similar circumstances in the Supreme Court of the Straits Settlements. These sums have been unclaimed for more than twenty years. The proceeds of certain estates administered by order of the Supreme Court of the Straits Settlement have also been unclaimed for a period of fifteen years. The object of this Bill is to transfer these sums to the Government of India for the general purposes of Government, subject to any claims which may hereafter be established to the satisfaction of the Court from which the transfer shall have been made. The present opportunity has been taken to remedy a defect in the existing law regarding unclaimed estates in the hands of the Administrator General of Bengal. All estates administered the Administrators General of Madras and Bombay, which may be unclaimed for more than fifteen years, are, under Act No. VIII. of 1855, S. 51, credited to the general revenues, subject to any claim thereto being afterwards established. But there is no

provision of the kind with regard to estates coming into the official charge of the Administrator General of Bengal, subsequent to the passing of that Act." - Gazette of India 1866, page 890.

1. Money deposited in High Courts and unclaimed for twenty years transferred to Government :-

All securities and sums of money deposited in the said High Courts : ¹[* * *] or any of them, in the course of suits in any of the said Courts or of the late Supreme Courts of Calcutta, Madras and Bombay, and now or hereafter appearing to have been in such deposit for a period of twenty years or upwards, without any claim thereto having been made and allowed during that period, shall be transferred and paid to ² [the Government of the State in which the Court has its principal seat].

1. The words "or Supreme Court of the Straits Settlements" were omitted by the Repealing Act, 1874 (16 of 1874), S. 2 and Sch., Part I.

2. Substituted for the words "the Government of India for the general purposes of Government" by A.O., 1937 [1-4-1937].

2. Proceeds of estates administered under order of Supreme Court of Straits Settlements or in charge of Administrator General of Bengal :-

Repealed by the Administrator General's Act, 1867 (24 of 1867), and the Repealing Act, 1874 (16 of 1874).]

3. Transfer not made pending suits :-

Nothing in this Act shall authorize any transfer or payment of any such securities, sums of money or proceeds as aforesaid, pending any suit already instituted or which shall hereafter be instituted in respect thereof.

4. Repayment on subsequent establishment of claim :-

If any claim shall hereafter be made to any part of the securities, monies or proceeds which shall be transferred and ¹[paid to any Government] under the provisions of this Act, and if such claim shall, in the case of securities and monies transferred and paid under section 1 of this Act, be established to the satisfaction of the High Court ²[* * *] from which the transfer shall have been made, ²[* * *] ⁴[the Government of the State in which that Court has its principal seat shall pay] to the claimant the amount of the principal so transferred and paid as aforesaid, or so much thereof as shall appear to be due to the claimant ⁵ [* * *].

1. Substituted for the words "paid to the Government of India" by A.O., 1937 [1-4- 1937].
2. Certain words were omitted by the Repealing Act, 1874 (16 of 1874), S. 2 and Sch., Part I.
4. Substituted for "the Government of India shall pay" by A.O., 1937 [1-4-1937].
5. The second sentence was omitted by the Administrator-General's Act, 1867 (24 of 1867).