

whereby His 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 His Majesty by Order in Council to direct, and from and after 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 His 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 His 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 a manner and for such time as to such Court shall seem fit;

And whereas by Article 5 of the Treaty of Commerce and Navigation with His Majesty the Emperor of Japan signed at London on 3rd April, 1911, it is provided as follows:—

"In case of the death of a subject of one of the High Contracting Parties in the territories of the other, without leaving the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent consular officer of the State to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated.

The foregoing provision shall also apply in case of a subject of one of the High Contracting Parties dying outside the territories of the other, but possessing property therein, without leaving any person there entitled to take charge of and administer the estate; "

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Domicile Act, 1861, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as "The Administration of Estates by Consular Officers (Japan) Order in Council, 1939".

2. Subject to the provisions of this Order, Section 4 of the Domicile Act, 1861, shall, by reason of and in conformity with the aforesaid provisions of the Treaty of Commerce and Navigation of 1911, apply to Japan.

3. This Order in Council shall apply to the United Kingdom of Great Britain and Northern Ireland.

4. The Order in Council made on the 21st December, 1906, empowering consuls of Japan to administer estates of Japanese subjects is hereby repealed.

Rupert B. Howorth.

At the Court at *Buckingham Palace*, the 13th day of *October*, 1939.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by Section 4 of the Domicile Act, 1861 (24 & 25 Vict. c. 121), it is enacted that whenever a Convention shall be made between His Majesty and any foreign State, whereby His 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 His Majesty by Order in Council to direct, and from and after 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 His 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 His 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 a manner and for such time as to such Court shall seem fit:

And whereas by Article 14 of the Treaty of Commerce and Navigation with His Highness the Regent of the Kingdom of Hungary signed at London on 23rd July, 1926, it is provided as follows:—

"In the case of the death of a subject of one of the two contracting parties in the territories of the other, leaving kin, but without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent consular officer of the country to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated."

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Domicile Act, 1861, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as "The Administration of Estates by Consular Officers (Hungary) Order in Council, 1939".

2. Subject to the provisions of this Order, Section 4 of the Domicile Act, 1861, shall, by reason of and in conformity with the aforesaid provisions of the Treaty of Commerce and Navigation of 1926, apply to Hungary.

3. This Order in Council shall apply to the United Kingdom of Great Britain and Northern Ireland.

Rupert B. Howorth.