

EAST AFR. PROT.

No. 47339

47339

REC
NOV 29 DEC 08No.
562

1908

19 Nov

Last previous Paper

5507

(Subject.)

Administrators General's Order 1908

To for approval 2 authenticated copies, no
 record to be kept. Hopes that sanction will
 be given to creation of a separate post of Admin.
 Genl.

(Minutes)

We read

Worked on 19 Nov for
 details of the fees which will be
 received by the Admin Genl in
 advertisement for loan for the
 debt would be self-sufficing
 before creating the creation of
 a separate office

The legal Admin will not
 be called upon whether there is
 anything in the order which
 would affect the creation
 of separate office, or whether
 the existing arrangement by
 which one of the judges is the

4/11/08
 1/11/08
 1/11/08

Signature of the Professor must discharge the functions con-
stituted.

T. M. Kiley

[Handwritten initials]

1912
7/1

The same as the Columbia Island Exclusion
Articles

S. H. [unclear]

for [unclear] [unclear]

Notes
the [unclear]

It has been found that there is nothing
in the [unclear] which would [unclear] the [unclear]
of the [unclear]

After the [unclear] [unclear], [unclear], but
it is not [unclear] [unclear]

It is [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]

It is [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]

In [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]

It is [unclear] [unclear] [unclear] [unclear]

I am not quite clear whether this [unclear] has been
associated to by the Govt or not - It is possible to send
him [unclear] [unclear] for the [unclear] approval, but
it is seen from para 3 of the [unclear] report & from
the condition of the copy of the [unclear] with the [unclear] (see
p 6 of the [unclear]) that it has not reached the
Governor's account

The [unclear] [unclear] § XXXII 2 of the B. motion creates a
difficulty. The [unclear] cannot be [unclear] to by the
Govt in the year in which it was passed etc

The Bill (for it is not yet [unclear]) had therefore
been [unclear] & passed in the 1909 session
of [unclear] the [unclear] [unclear] [unclear] of the [unclear]
- which I have called attention [unclear] [unclear]

There is one other point

I think it was generally agreed when the
subject was fully discussed that it was
undesirable to have one of the [unclear] [unclear]
[unclear] [unclear], and I [unclear] [unclear] that
the [unclear] of "Taking Office" in [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear], in [unclear]
[unclear] [unclear] [unclear] [unclear] to [unclear] the
[unclear] of the [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] because I do not think
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

Thompson
Carr Crow
Admiral

[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

Afternoon [unclear] [unclear] [unclear]

[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

Governor's Office

7339

Nairobi.

REC
SER 28 FEB 1906

November 18th 1906.

EAST AFRICA PROTECTORATE.

No. 587.

(Encl. 2.)

My Lord,

I have the honour to transmit herewith for Your Lordship's approval two authenticated copies of the Administrator General's Ordinance 1898, as passed by the Legislative Council together with an explanatory Memorandum by the Crown Advocats.

Your Lordship will observe that the Bill finally passed the Council on the 6th of March last but as the whole question as to who should fill the post of Administrator General was then under consideration, I did not at once forward the Bill for Your Lordship's approval but considered it better to wait until some definite decision was arrived at.

S. H. Principal Secretary of State

for the Colonies,

Downing Street,

LONDON, S. W.

3. In this connection I would invite a reference to the third paragraph of Your Lordship's despatch No. 201 of the 27th of April last, and venture to express a hope that your Lordship will accord sanction to the creation of a separate post of Administrator General in the Protectorate Estimates for next year, a matter on which I have already addressed Your Lordship in my despatch No. 481 of the 11th of September last.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

(In the absence of H. E. The Governor).

REC'D
C. O.
47-39
REC'D
28 DEC 08

The Administration of the Ordinance

The object of this Ordinance is to define the powers of the Administrator appointed to administer the estate of a deceased person at present law. Since, I believe, that the powers of the Administrator have not been defined in any of the Ordinances which have been passed since the year 1800, it is suggested that the powers of the Administrator should be defined by this Ordinance. It is suggested that the powers of the Administrator should be defined by this Ordinance in the following manner:—

The Administrator of the estate of a deceased person shall have the same powers and duties as the Administrator of the estate of a deceased person in England. The powers of the Administrator shall include the power to sell, lease, or otherwise dispose of the real and personal property of the estate of a deceased person in the same manner as the Administrator of the estate of a deceased person in England. It is suggested that the powers of the Administrator should be defined by this Ordinance in the following manner:—

alterations made in the original have been made.
 The original is to be kept in the office of the
 Secretary of the Board of Health as to who
 has the right to make alterations has not yet
 been decided. It is suggested that the Board should
 be authorized to make alterations in the original as the
 original is to be kept in the office of the Secretary of
 the Board of Health.

Signed: H. H. [Name]
 Secretary of the Board of Health

THE ADMINISTRATOR GENERAL'S ORDINANCE 1908.

Section

Summary.

Section 1.

Short Title.

Section 2.

Interpretation.

The Gambian "Interpretation Ordinance 1908". The definitions of Immovable property and Movable property are the same as those in the Indian Probate and Administration Act 1881 which is applied to this Protectorate.

Section 3.

Administrator General of

Intestate Estates.

Suits by or against

Administrator General.

Office of Administrator General

falling vacant.

Administrator General and his

agents not liable for acts done

in performance of their duties.

Section 4 of the Gambian Ordinance.

Section 4.

Administrator General to

apply for order to administer

the various estates.

Section 5 of the Gambian Ordinance.

THE ADMINISTRATION OF ESTATES ACT

Section.	Remarks.
Section. 5. Fourteen days' Notice to be given of application.	Section 5 of the Gambian Ordinance.
Section. 6. Where Estate will probably be lost or damaged by delay.	Section 7 of the above.
Section. 7. Probate and Administration may be granted to other persons.	Section 8 of the above.
Section. 8. Administrator General to take charge of property on death of agent.	Section 9 of the above.
Section. 9. Disputes to be decided on petition by the Court.	Section 10 of the above.
Section. 10. Property in Protectorate.	Section 11 of the above.
Section. 11. Personality to be admitted.	Section 12 of the above. The directions with regard to the sale of immoveable property is in accordance with the law at present in

Section 5. Fourteen days' Notice to be given of application.

Section 6. Where Estate will probably be lost or damaged by delay.

Section 7. Probate and Administration may be granted to other persons.

Section 8. Administrator General to take charge of property on death of agent.

Section 9. Disputes to be decided on petition by the Court.

Section 10. Property in Protectorate.

Section 11. Personality to be admitted.

The directions with regard to the sale of immoveable property is in accordance with the law at present in

Section.	Remarks.
	force in the Protectorate relating to the administration of the estates of deceased persons.
Section. 12. Accounts to be kept.	Section 16 of the Gambian Ordinance.
Section. 13. Court may order partition of immoveable property.	Section 17 of the above.
Section. 14. Estates of deceased European Officers.	Section 18 of the above.
Section. 15. District Commissioners to secure Property and assist Administrator in Protectorate.	Section 19 of the above.
Section. 16. Accounts to be kept in Court.	Section 20 of the above.
Section. 17. Administrator General may pass interim accounts.	Section 21 of the above.
Section. 18. Fees to be paid to Administrator General.	This Section makes provision for fees to be paid to the Government for

Section.

Remarks.

for work done by the Administrator General and further enables the Administrator General to retain out of an estate administered by him monies to cover out of pocket expenses properly incurred in the administration of the estate.

Section. 19.

Annual reports of
Administrator General.

Section 23 of the Gambian
Ordinance.

Section 20.

Rules and Regulations.

Section 24 of the Gambian
Ordinance.

Section. 21.

This Ordinance not to affect
the provisions of the Native
Estates Administration Rules
and Orders 1899.

Special provision is made in
the Regulations referred to in
this Section for the Administration
of the estates of deceased Natives,
which it is undesirable to alter at
the present time except to the
extent provided in this Section.

Sd/- R.M. Combs.

CROWN ATTORNEY.

10
12.

12 Feb '9

DRAFT

S.A.P.
no. 95

MINUTE

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In these respects I affirm
the accuracy of the Bill