

No.
 No.
 No.

G O
 2012
 Rec. 11 SEP 06

(Subject.)

1906

Person Paper

1. Estates of Gray, Jacques and McDougal dec'd
2. Administration La General's Office

1. Transmittal copy Report by Acty Admiral General
 in which it is proposed to credit the estates as shown
 Inquire whether it is approved
 2. Transmittal copy Memo by G. Adv. re powers and
 functions of

M. D. Riley

in my opinion of
 the it fine;
 minute as to the

R. J. R.

20/9

Comments

I think it may reach the same as you thought
 after the incident from some of the
 provisions of a code that is fully set up
 A. S. General's Office
 the relation

they have nothing in S. M. from
 written by the Acty. Gen.
 you make her look that she did have
 and have the duties of a...
 under a bulk of...

Commissioner's Office,

Nairobi,

August 24th 1906.

EAST AFRICA PROTECTORATE.

No. 472.

(Incl. 3.)

C	O
34212	
REC'D	
Aug 11	Sep 16

My Lord;

With reference to Your Lordship's despatch

No. 307 of June 8th relative to the estate of Messrs.

W. G. Gray, T. J. Jacques and T. McLeish, I have the

honour to transmit herewith a copy of a report with

enclosures by the Acting Administrator General, from

which Your Lordship will observe that it is proposed,

after paying all claims and charges, to credit the

three estates as follows:-

Jacques	Rs. 569-1-0
Gray	Rs. 329-0-0
McLeish	N 1 1

I request that I may be informed whether Your Lordship approves of this division.

2. With regard to the office of Administrator

General

H. Principal Secretary of State

for the Colonies,

Downing Street,

LONDON, S.W.

Administrator all
August 20th.

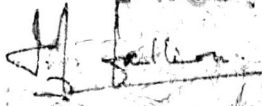
Enclosure

Advocate
July 19th.

5489

General of the ...
subject of the laws which constitute the office and
regulate the discharge of the duties of the same. As
the ... practice is open to objection, I consider
that the office should be
powers and duties thereof
since the matter is
-ship's office, I
before taking action.

Your ...



Commissioner

benefit could be arrived at by that proceeding as all the evidence is either hearsay, which would be excluded by any Court, or given by natives and native servants of the deceased who cannot, after this lapse of time, be traced.

Holding as I do that Jacques and Grey were trading in partnership and that there is no shadow of evidence as to their shares I am prepared to divide the Rs.500.0.0 received from McLeish (which was the product of partnership stuff) equally between the two estates of Jacques and Grey. The Rs.440.0.0 received from National Bank of India stood in the name of Jacques and I have no evidence that it was a partnership account so I put it into the estate of Jacques, paying out of it the unashed cheque of Rs.100. The articles that T. McLeish possessed of his own will be credited to his estate, which however proves insolvent.

This will credit the three estates as below, after paying all claims and charges:-

Jacques	Rs. 500. 1. 0
Grey	,, 500. 0. 0
McLeish	Nil.

I cannot think having regard to the manner in which these men lived and traded that they were in possession of materially more money and goods than what has been recovered. In confirmation of which I should mention that the whole amount of money paid by Jacques into the National Bank of India was Rs.100 and that neither of the other deceased had a banking account at all.

No land was purchased or held by either Jacques or Grey.

I herewith enclose accounts showing the method by

which I have arrived at the above amounts. I propose
to hold this money at present pending any further correspon-
dence.

I have &c.;

Sd/- A. Bonham Carter.
Acting Administrator General.

Mombasa;

August 21st 1906.

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1898
 Jan 18 By, Boyland portico
 found in possession of late
 Less "Half debits"

Total

Add in amount for claims re
 Indian freight on goods found
 in possession of late Mr. Greer
 on Dec 15 - amount to \$1000.00
 found in a chest from John H. G.
 and also on effects at Portau 10.75
 1898

8.15	12.15
21.8	
21.8	43
329	329
Total to 436.3	

A. B. Parky
 ADMINISTRATOR GENERAL
 22. 3. 106

Assets

Do as Do as Do

Balance in Current Accounts at the National Bank of India Ltd at Mumbai in name of the deceased at the time of his death } 439 5
 Cash recovered from the National Bank as value of 17 stamped unused cheques belonging to the deceased and returned to the Bank } 1 1

440 6

Ready goods & cattle found in possession of late Mr. M. C. Gajjar at his death & sold at auction & cash found } 561 4 3
 value of 2 donkeys sold (vide Mr. Gajjar's estate) } 59 10 0

Balance 501 15 3

Shilshas coins found in possession of late Mr. M. C. Gajjar } 260 12
 Drugs found in possession of late Mr. M. C. Gajjar above mentioned & sold at Mumbai } 19 8 9
 Tools, arms & ammunition & sundry personal effects found in possession of Mr. M. C. Gajjar and sold at Mumbai } 78 2

560 5

Part of about Rs. 300/- was presumed to be the share of late Mr. Gajjar & his wife half share to Jacqui's estate } 430 3

total Rs. 870 9

Liabilities

By Mr. A. Wille for a cheque given to him by late Mr. Jacques not cashed } 156
 1905
 Jan 18 " By 2 papers carrying bond etc found in possession of late Mr. M. C. Gajjar } 90 8
 net 46 debited to Gajjar's a/c 46 4

201 4

Charges

1906
 Mar 28 " Advertisement for claims & stamps on letters etc } 4 2
 1905
 Jan & May " Railway freight on effects found in possession of late Mr. M. C. Gajjar at his death & sent to Mumbai } 12 0
 Jan 18 " Commission on a draft from Kithi } 4 12
 1905
 Mar 28 " Copy here on above effects at Mumbai & postage } 0 12
 net 46 debited to Gajjar's a/c 46 4

13 4

Dues &c

.. Court fees @ 5% } 40 8
 .. Administrator General's fees @ 2 1/2% on assets valued @ 2 1/2% on assets to be distributed } 43 8

87

Balance

Balance on hand 529 1

529 1

ORIGINAL

In the High Court of East Africa & Somaliland

Probate and Administration

Cause No. 3 of 1900

Re the estate of

Thomas J. Jacques, deceased

I declare to have read the several positions of the
parties and to be satisfied that the same can be resolved

not exceeds of 2 months
that amount is included in the
General account in the

57 10

of 1 Winchester rifle
belonging to the deceased found
in his possession & sold at Bombay

10 8

79 2

Total Rs 79 2

ADMINISTRATOR GENERAL

2

Receipts

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Charges

Advertisement for claims &

for

to be paid at
the rate of 2 1/2 %
distributed

less

to the credit of

ORIGINAL

Re: The High Court of East Africa at Hong

Probate and Administration

Case No 38 of 1904.

Re: the Estate of

Thomas McGregor (alias McLeish) deceased

(Account showing the financial position of
above estate as far as it can be ascertained)

Assets		Liabilities	
18 Trade goods & cattle found in possession of late Mr. M ^r . Gregor (alias M ^r . Smith) at his death & sold at Hima & cash found of his the net proceeds of same & amount totalling 54-12-0 as per contra	561 9	May 18 1906	Mr J. P. Sarna claimed from Mr M ^r . Gregor's estate Rs 220/- value of 4 Bungalows (paid net proceeds of 2 bungalows only found) 54 10
11 Sterling coins found in possession of Mr. M ^r . Gregor aforesaid	260 12	1906 Jan 18	" Mr A. Webb for a cheque given to him by late Mr. Jacques & not cashed 156
Balance in Current A/c at the National Bank of India held at Mombasa in name of late Mr. Thomas J. Jacques at the time of his death.	439 5		Boy & porters carry out loads found in possession of late Mr. Gregor Paid 90 8
20 Ivory found in possession of late Mr. M ^r . Gregor above named & sold at Mombasa	19 8 9	Jan 18 1906	
10 Tools, arms & Ammunition & sundry personal effects found in possession of late Mr. M ^r . Gregor above mentioned & sold at Mombasa	78 2	Jan 18 1906	<u>Charges</u> Railway freight on effects found in possession of late Mr. M ^r . Gregor at his death & sent to Mombasa 12
20 Cash recovered from the National Bank - value of 17 stamped unused cheques of late Mr. Jacques & returned to the Bank	1 7	Mar 28 1906	Commission on a draft sent from Hima of the proceeds of Trade Goods etc found in possession of late Mr. M ^r . Gregor sold 12
21 Winchester rifle belonging to late Mr. M ^r . Gregor found in his private possession & sold at Mombasa	12 8		Costs here on above effects to Mombasa 12
	1370 14		Stamp on letters etc. in M ^r . Jacques' advertisement for claims &c. 4
			" do do do Mr. Gregor 4
			" do do do Mr. M ^r . Gregor 4
			<u>Total</u> 306 2
			<u>Assets</u> Cash paid to Administration of late Mr. M ^r . Gregor's estate on account of 17 & 1/2 % of net assets of late Mr. M ^r . Gregor 28
			" Balance 306 2

COPY.

MEMORANDUM.

There are no other either Indian or British officers of the office of Administrator General in the British Provinces who regulate the affairs of his estates.

I think the composition of the officer in question can be best defined regarding the official Administrator of Estates to whom letters of administration are granted by the High Court or District Judge in non-contentious cases where no other satisfactory person is available to undertake the administration of the estate.

Except that the Administrator General is empowered under the rules of the High Court to charge fees prescribed by the rules, the powers and duties of that officer and the same are those of any other person to whom letters of administration are granted under the Indian Succession Act 1925 and the Indian Probate and Administration Act 1921.

From the correspondence in the Court files to which I have referred for the purpose of ascertaining how this office came to be appointed under his present title it would appear that it was originally intended to apply to this office under the Indian Administrator General's Act on the appointment of an additional Judge and office, under the title of additional Sessions Judge and Administrator General, but that in consequence of a suggestion by Judge Coker that the title had not then applied for a separate title, the title of the Administrator General from the Court, that Act was not applied and a new provision was enacted to constitute the

Office of the Registrar of the High Court of Kenya
Immediately after the appointment of Mr. [Name] as
1901 as an additional Registrar and Administrator General
appointed by the High Court with the sanction of the
Commissioner a District Delegate with powers in
letters of administration in accordance with the provisions
of the Administration Act.

Since the letters relating to the estates of
[Name] at Nairobi and
[Name] have been dealt
with by [Name] and in those cases where no other satisfactory
arrangement could be found to administer the estate he has
acted as District Delegate and latterly as Judge of the High Court
granted letters of administration to himself qua Administrator
General.

This practice is obviously open to objection and I
think that the office should be properly
defined and its powers and duties thereof defined and
clearly set out. I do not consider that the Indian

Sd/- R. M. Combe
CROWN ADVOCATE.

July 10th 1905

Comr.
34212

b.u.p. 506

DRAFT.

b.u.p. No 630

Comr. Parthen

5 October 66

MINUTE.

- Mr. ^{5/10} ~~White~~ ^{Railway} 3
- Mr. Read 4
- Mr. Antrobus.
- Mr. Cox.
- Mr. Lucas.
- Mr. Graham.
- Sir M. Ommamney.
- Mr. Churchill.
- The Earl of Elgin.

I think the Comr. etc.
will do a - - -
2d. 3/10

Sir
 Have the honor to
 acknowledge the receipt of your
 letter of the 24th inst. in relation
 to the proposed bill No 492 of the
 24th inst. & to inform
 you that I approve the
 decision of the assets
 of the estate of W. B. Gray, T. of W. B. Gray
 of T. Mc Leish
 proposed therein.
 I agree with Mr. Comr.
 that it is
 desirable that the
 office of Comr. of
 the Administration of
 the Comr. should be established
 & defined by law.