

TRINIDAD AND TOBAGO.

Administrator-General.

No. 9.—1902.

10th March.

AN ORDINANCE to provide for the appointment of an Administrator-General and for the regulation of his duties.

[L.S.]

ALFRED MOLONEY,

GOVERNOR.

26th March, 1902.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the “ Administrator-Short Title. General’s Ordinance, 1902,” and shall come into force Commence- on the First day of July, 1902. Provided however that ment. for the purpose of the making of any Rules and Orders of Court or Regulations under the provisions of Sections 17 and 18 hereof it shall be deemed to be in force from the time of its receiving the assent of the Governor.
2. This Ordinance shall be read together with the Construction. Wills and Probate Ordinance, the Property Devolution Ordinance, and the Distributions Ordinance.
3. It shall be lawful for the Governor in the name and Appointment. on the behalf of His Majesty to appoint such person as he may see fit to be Administrator-General for the Colony and

from time to time in case of the death or removal of any such person to appoint some other person in his place. Provided that until any appointment under this Ordinance the Administrator-General appointed under Ordinance No. 5 of 1863 shall be deemed to have been appointed under this Ordinance.

Appointment. 4. Any person in the permanent civil service of His Majesty in the Colony may be appointed to exercise the duties and office of Administrator-General in conjunction with any other office and any other persons in such service may in like manner be appointed to assist the Administrator-General in his office or as his agent or delegate in conjunction with the duties of any other office; and if the Administrator-General is the head of any department of the service, his powers shall be deemed to extend to the clerks or officers in his department without any special appointment of such clerks or officers to assist him as in this section provided. The Administrator-General shall give security to His Majesty in the sum of one thousand pounds or in such sums as with any amount for which he may have given security to His Majesty in respect of any other office shall make up one thousand pounds.

Security.

Wardens to assist. 5. The Warden of any Ward shall on the special direction of the Administrator-General and may by virtue of any general Regulations to be made by the Governor in Executive Council on that behalf as hereinafter authorized make such reports as to the deaths of persons and their estates and effects and take such steps by way of securing the possession and protection of the estates of such deceased persons as shall be directed by the Administrator-General or required by such Regulations, and shall for such purpose be deemed to have been appointed to assist the Administrator-General.

Small estates. 6. The Administrator-General shall as such have power in the absence of an executor appointed by will or of any person who has obtained letters of administration to the estate of any deceased person and in any case that appears to him to require him so to do pending the grant of probate of any will or of letters of administration

to such estate, to take possession of seize reduce into possession sell realize and get in the estate and effects real and personal of any person dying in the Colony or possessed of property in the Colony whenever such estate and effects are shewn not to amount in gross value to the sum of £50 without applying for probate of any will or grant of letters of administration. Provided that nothing herein contained shall be construed to limit the power to issue administration conferred by Section 108 of the Wills and Probate Ordinance. And administration under the said section shall, if granted in respect of any property so seized as hereinbefore mentioned, be deemed equivalent to a grant of administration of the estate unadministered by the Administrator-General, by virtue of the powers hereof. Provided also that in the event of its being made to appear at any time after the Administrator-General has proceeded to take possession of the same under the provisions of this section, that such estate and effects equal or exceed in gross value the sum of £50, then such possession and the acts done to obtain the same and any sale or realization of such estate and effects or of any part thereof shall not be in any way invalidated, but the Administrator-General may forthwith proceed to apply for such probate or letters of administration to be granted to him or to any person or persons entitled.

7. The Administrator-General may subject as is provided in and by the Wills and Probate Ordinance, apply to the Supreme Court for letters of administration general or restricted as the case may be, to the estate and effects of any person whether domiciled in the Colony or not, who shall have died possessed of property real or personal therein intestate; or of any person so dying having made a will in any case in which the executor or executors named in such will shall renounce and disclaim the execution of such will, or being duly cited shall refuse or neglect to prove such will and in case of the death of any representative of any such person deceased, for administration or administration *cum testamento annexo* of the estate unadministered.

Intestates' estates generally.

8. Where any person shall have died intestate and without leaving next of kin the Administrator-General

Dealings with intestates' estates.

may if the estate does not exceed £50 without obtaining letters of administration, and in other cases after obtaining letters of administration take possession of and administer the real and personal estate of such deceased intestate on behalf of His Majesty without limit of amount. Provided that in the event of such estate real and personal proving to exceed in value the sum of £50 such Administrator-General shall as soon as may be after it has so been made to appear apply to the Court for letters of administration to the estate of such intestate to be granted to him on behalf of His Majesty.

Estate of party
beneficially
interested in
administra-
tion.

9. In the event of the death of any person beneficially entitled to an estate or any part of an estate vested in and under administration by the Administrator-General, the Administrator-General without obtaining the proof of any will of such person or the grant of any letters of administration to his estate and effects shall be deemed the person entitled to represent the deceased person so beneficially entitled until proof of will of such person or the grant of letters of administration to the estate and effects of such person by or to some person in the Colony, irrespective of the amount or value of the beneficial interest of the person deceased.

Court may
order
administration
of estates, and
refer
accounts, debts,
&c., thereof
to a Judge.

10. It shall be lawful for the Supreme Court, on the petition of the Administrator-General, or of any person interested to make order for the administration of any estate, which shall have been taken possession of by the Administrator-General or whereof administration shall have been granted to such Administrator-General under any of the preceding sections hereof, and to order that it be referred to a Judge of the said Court to take the accounts of the funeral and testamentary expenses and debts of the testator or intestate and of his estate, and for the application of the same in payment of the costs of suit of such Administrator-General, to be taxed as between solicitor and client, and of the debts and legacies (if any) in a due course of administration, and to inquire and ascertain who are the persons entitled to the residue of such estate, and such proceedings shall be had on such order as if a bill had been filed for the administration of such estate.

11. The Administrator-General shall possess himself of any estate of any lunatic person resident in the Colony where such estate real and personal does not exceed in value the sum of £100, without any inquisition found, in the same manner as if such lunatic person were dead; and may administer such estate for the benefit of such lunatic person and make such payments out of such estate for the maintenance of such lunatic including any payment to or on account of the Superintendent of the Lunatic Asylum for the maintenance of such person in such asylum, as he may think fit, without any proceedings being instituted for the purpose. ^{Lunatics' estates.}

12. The Administrator-General may be constituted the committee or a joint committee of the estate and effects of any lunatic in the same manner as any other person capable of being so constituted and appointed, at the discretion of the Court having jurisdiction in that behalf. ^{Committee of lunatic.}

13. The Administrator-General shall not be called upon to give security in respect of any trust property committed to his charge under the provisions of this Ordinance, other than the general security, if any, which he is required to give on his appointment. ^{Security.}

14. There shall be retained by the Administrator-General out of all sums received by him in respect of any estate coming into his hands such commission at a rate not exceeding £5 per centum as may be directed by the Court or Judge on his appointment, and in default of any direction at the rate of £5 per centum. And in respect of any lands or other property not converted into money which may be taken possession of by the Administrator-General, his remuneration shall be such as the Court on originating summons or otherwise may direct. And such commission or remuneration shall in every case be a charge on such monies and estates in priority to all other charges, and may be raised by sale or mortgage of such estate or any part thereof or otherwise in such manner as the Court or a Judge in the course of any action or on originating summons may direct. ^{Remuneration.}

15. All commissions or remunerations authorized to be paid to or retained by the Administrator-General shall in like ^{Commissions or percentages.}

manner be retained or paid out of all property devolving on the Administrator-General as representing His Majesty.

Procedure to dispose of conflicting claims and matters of escheat.

16. It shall be the duty of the Administrator-General in cases of all estates to which His Majesty becomes entitled or as to which it is doubtful what property real or personal was in the possession of the deceased intestate and what are the boundaries or other description of so much of such property as consists of land, or whether the intestate died without next of kin or whether any person is entitled as against His Majesty to any legal right in or equitable claim upon the same or whether any person is entitled as a creditor of the deceased or otherwise to any payment out of or charge upon such property, by originating summons to be served in the prescribed manner upon any person having or claiming any adverse right or interest, or in whom such adverse right is alleged to exist, to obtain the directions of a Judge in Chambers as to such estate in respect of any of the matters aforesaid as such Judge shall deem proper matters to be so determined; and such Judge may by consent of the parties claiming to be entitled determine such matters himself summarily without appeal, or may, at the request of the Administrator-General or of any person appearing to such summons and claiming to be entitled, direct any such matter or any question in the nature of a matter of escheat, to be tried in the same manner as any question or issue arising in the course of interpleader proceedings.

Provided however that on the trial of any such question it shall be lawful at any time for any party interested therein to apply to the Judge for such judgment or order as he may be entitled to in consequence of the finding or verdict on such trial.

Rules and orders as to procedure.

17. In respect of all applications to be made to or entertained by the Supreme Court under the provisions of this Ordinance, and of the Court fees charges and costs of parties Solicitors and Counsel payable in respect of the same and of the forms to be used in respect of the same, it shall be lawful for the Chief Justice with the assent of a Puisne Judge to make such rules and orders as may be from time to time deemed necessary for regulating and providing for

the same; and the term "prescribed" herein shall mean prescribed by such rules and orders; and subject thereto shall mean according to the general practice of the Court so far as it is applicable; and the rules and orders when made shall be laid before the Governor and Legislative Council for confirmation and have validity in the same manner and subject to the same conditions in all respects as orders made under the provisions of the Judicature Ordinance, 1879.

18. In respect of the duties of the Administrator-General and of his officers, and of any persons assisting him or acting for him and in respect of the manner of all applications to be made to and all business to be transacted by or with the Administrator-General or such officers and other persons other than proceedings in the Supreme Court the Governor in Executive Council may from time to time make, revoke, alter and add to such regulations not inconsistent with the provisions hereof as may be deemed expedient; and such regulations when made shall be published in the *Royal Gazette* and shall be binding on the Administrator-General and his officers and all persons assisting him or acting for him, and on all persons affected thereby in the same manner as if the same were embodied in this Ordinance. Regulations for conduct of office.

19. The following enactments are hereby repealed, that Repeal. is to say:

1. "The Administrator-General Ordinance, 1863" (5-1863).
2. "The Administrator-General Ordinance, 1877" (10-1877).

Save as herein expressly provided the repeal by this Saving. Ordinance enacted shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before the commencement of this Ordinance, or any proceeding pending or uncompleted at the commencement of this Ordinance.

Passed in Council this Tenth day of March, in the year of Our Lord one thousand nine hundred and two.

C. J. ROOKS,
Clerk of the Council.