

Supplement No. 8 of 1925 to *Official Gazette* of December 23rd, 1925.



THE
OFFICIAL GAZETTE
OF THE
COLONY AND PROTECTORATE OF KENYA.
(SUPPLEMENT.)

Published under the Authority of His Excellency the Governor of the
Colony and Protectorate of Kenya.

Vol. XXVII.—Supplement No. 8]

NAIROBI, December 23rd, 1925.

*A Bill intituled an Ordinance relating to Succession
is published for general information and criticism.*

*R. W. LAMBERT,
Clerk to the Legislative Council.*

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- 349. Refunding to be without interest.
- 350. Residue after usual payments to be paid to residuary legatee.
- 351. Transfer of assets from the Colony to personal representative in country of domicil for distribution.
- 352. Procedure where deceased has left property in Zanzibar or Uganda.

PART XL.

Of the Liability of a Personal Representative for Devastation.

- 353. Liability of personal representative for devastation.
- 354. Liability of personal representative for neglect to get in any part of property.

PART XLI.

Miscellaneous.

- 355. Power of Governor in Council to exempt any race, sect, or tribe in the Colony from operation of Ordinance.
- 356. Provisions applied to an administrator with will annexed.
- 357. (1) Surrender of revoked probate or letters of administration.
(2) Penalty for refusal.
- 358. Application to estates partially administered.
- 359. (1) Application of Ordinance to Hindus, etc.
Provisos.
- 360. Probate in case of Hindus and Mohammedans.
- 361. Places appointed for custody of wills of living persons.
- 362. Power to make rules prescribing fees and other matters.
- 363. Saving clause.
- 364. Repeals

THE SUCCESSION BILL.

STATEMENT OF OBJECTS AND REASONS.

Present law on matter covered by Bill is contained in four applied Indian Acts :

- The Indian Succession Act, 1865;
- The Hindu Wills Act, 1870;
- The Indian Majority Act, 1875; and
- The Probate and Administration Act, 1881.

The Bill embodies the substance of these four Acts.

Of these the most important is the Indian Succession Act, 1865, which is in effect a codification of the English law on the subject.

The Law of Property Act, 1922, introduced in England certain modifications in the law of Intestate Succession and these modifications have been incorporated in the present Bill.

The age of majority is fixed at twenty-one for all persons to whom the Ordinance applies.

A Bill **Intituled** An Ordinance Relating to Succession.

PART I.

Preliminary.

1. This Ordinance may be cited as "the Succession Short title Ordinance, 1925."

2. Except as provided by this Ordinance, or by any other law for the time being in force, the provisions herein contained shall constitute the law of the Colony applicable to all cases of intestate or testamentary succession.

Ordinance to constitute law of the Colony in cases of intestate or testamentary succession.

3. In this Ordinance, unless there is something repugnant Interpretation in the subject or context :—

"Administrator" means a person appointed by a "Administrator" competent authority to administer the estate of a deceased person where there is no executor.

"Codicil" means an instrument made in relation to a "Codicil" will, and explaining, altering or adding to its dispositions. It is considered as forming an additional part of the will.

" Executor."	" Executor " means a person to whom the execution of the last will of a deceased person is, by the testator's appointment, confided.
" Immovables."	" Immovables " means immovable property.
" Minor."	" Minor " means any person who shall not have completed the age of twenty-one years, and " minority " means the status of such person.
" Minority."	
" Movables."	" Movables " means movable property.
" Personal representative."	" Personal representative " means the executor or administrator, as the case may be, of a deceased person.
" Personal movables."	" Personal movables " mean carriages, horses, stable furniture and effects (not used for business purposes), motor cars and accessories (not used for business purposes), garden live and dead stock and effects, domestic animals, plate, plated articles, linen, china, glass, books, pictures, prints, furniture, jewellery, articles of household or personal use or ornament, wines, liquors, and consumable stores, but do not include any movables acquired for business purposes nor money or securities for money.
" Probate."	" Probate " means the copy of a will certified under the seal of a court of competent jurisdiction, with a grant of administration to the estate of the testator.
" Specific legacy."	" Specific legacy " means a legacy of specified property.
" Demonstrative legacy."	" Demonstrative legacy " means a legacy directed to be paid out of specified property.
" Will."	" Will " means the legal declaration of the intentions of the testator with respect of his property which he desires to be carried into effect after his death.
Personal representative.	4. All the property of a deceased person vests in the executor or executors appointed by his will or in an administrator appointed by the competent authority. The executor or administrator is called the personal representative of the deceased.
Interests and powers not lost by marriage.	5. No person shall by marriage become incapable of doing any act in respect of his or her own property which he or she could have done if unmarried.
Law regulating succession to deceased person's immovable and movable property respectively.	6. (1) Succession to immovable property in the Colony of a person deceased is regulated by the law of the Colony, wherever he may have had his domicil at the time of his death. (2) Succession to the movable property of a person deceased is regulated by the law of the country in which he had his domicil at the time of his death.
One domicil only affects succession to movables	7. A person can only have one domicil for the purpose of succession to his movable property.
Domicil of origin of person of legitimate birth.	8. The domicil of origin of every person of legitimate birth is in the country in which, at the time of his birth, his father was domiciled; or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

PART II.

Of Domicil.

6. (1) Succession to immovable property in the Colony of a person deceased is regulated by the law of the Colony, wherever he may have had his domicil at the time of his death.
- (2) Succession to the movable property of a person deceased is regulated by the law of the country in which he had his domicil at the time of his death.
7. A person can only have one domicil for the purpose of succession to his movable property.
8. The domicil of origin of every person of legitimate birth is in the country in which, at the time of his birth, his father was domiciled; or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

9. The domicil of origin of an illegitimate child is in the country in which, at the time of his birth, his mother was domiciled. Domicil of origin of illegitimate child.

10. The domicil of origin prevails until a new domicil has been acquired. Continuance of domicil of origin.

11. A man acquires a new domicil by taking up his fixed habitation in a country which is not that of his domicil of origin. Acquisition of new domicil.

12. A man is not to be considered as having taken up his fixed habitation in the Colony merely by reason of his residing there in His Majesty's civil or military service, or in the exercise of any calling or profession. Service in Colony not to affect domicil.

13. A person who is appointed by the Government of one country to be its ambassador, consul or other representative in another country, does not acquire a domicil in the latter country by reason only of residing there in pursuance of his appointment; nor does any other person acquire such domicil by reason only of residing with him as part of his family or as a servant. Domicil not acquired by residence as representative of foreign government, or as part of his family.

14. A new domicil continues until the former domicil has been resumed, or another has been acquired. Continuance of new domicil.

15. The domicil of a minor follows the domicil of the parent from whom he derived his domicil of origin. Minor's domicil.

Exception.—The domicil of a minor does not change with that of his parent if the minor is married, or holds any office or employment in the service of His Majesty, or has set up, with the consent of the parent, in any distinct business.

16. By marriage a woman acquires the domicil of her husband, if she had not the same domicil before. Domicil acquired by woman on marriage.

17. The wife's domicil during the marriage follows the domicil of her husband. Wife's domicil during marriage.

Exception.—The wife's domicil no longer follows that of her husband if they be separated by the sentence of a competent court.

18. Save as hereinbefore otherwise provided in this part, a person cannot, during minority, acquire a new domicil. Minor's acquisition of new domicil.

19. An insane person cannot acquire a new domicil in any other way than by his domicil following the domicil of another person. Lunatic's acquisition of new domicil.

20. If a man dies leaving movable property in the Colony, in the absence of proof of any domicil elsewhere, succession to the property is regulated by the law of the Colony. Succession to movable property in the Colony in absence of proof of domicil elsewhere.

PART III.

Of Descendants "per Stirpes."

- Stirpes.* 21. (1) Descent *per stirpes* means by families or stocks of descent. 5
- No preference (2) There is no preference for male over female or eldest over youngest. 5
- Children take equally. (3) All children take equally.
- Children stand in place of parent. (4) If any children are dead all their children stand in the place of their parent. 10
- (5) If a grandchild is dead, his children stand in his place, and so on. 10

PART IV.

Of Intestacy.

- As to what property deceased considered to have died intestate. 22. A person is considered to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect. 15
- Trust for sale. 23. Such property shall be held by his personal representative :—
- Immovables. (i) As to the immovables upon trust to sell the same ;
- Movables. (ii) As to the movables upon trust to call in, sell and convert into money such part thereof as may not consist of money. 20
- Postponement of sale. 24. Such sale and conversion may be postponed for such a period as the personal representative, without being liable to account, may think proper. 25
- Reversionary interest. 25. Any reversionary interest not to be sold until it falls into possession, unless the personal representative sees special reason for sale.
- Personal movables. 26. Personal movables unless required (for want of other assets) for purposes of administration not to be sold except for special reason. 30
- Proceeds of property to be income. 27. The income of the property, including the net rents and profits of the immovables after payment of rates, taxes, rent, costs of insurance, repairs and other outgoings properly attributable to income as from the death of the intestate is to be treated and applied as income. 35
- Meaning of residuary property. 28. The "residuary property" of the intestate consists of :—
- (i) The residue of the said money, or investments representing the same ;
- (ii) Any part of the property of the intestate which may be retained unsold and is not required for purposes of administration. 40

29. Where the intestate leaves husband or wife the residuary property in reference to any other persons taking under the intestacy is diminished by the personal movables and the sum of one thousand pounds and interest in favour of 5 such husband or wife. Where intestate leaves husband or wife.

30. Where the intestate leaves a will, property as to which he is intestate shall be dealt with in accordance with the provisions of this part. Where intestate leaves a will.

31. No beneficial interest acquired under the will shall 10 be liable to be brought into account save as provided in regard to the issue of the intestate. Person taking under will not to bring into account.

PART V.

Of the Succession to an Intestate's Property.

(A) RIGHTS OF HUSBAND OR WIFE INTESTATE.

32. The rules for the distribution of the intestate's property if the intestate leaves a husband or wife, are as follows :— Rules of distribution.

The husband or wife shall take :—

Rights of widow or widower.

- (i) The personal movables absolutely ;
- 20 (ii) One thousand pounds free of all costs or taxes or duties, with interest thereon at five per centum per annum from the date of death until paid ;
- (iii) The income of the whole residue for life if the intestate leaves no issue ;
- 25 (iv) The income of half the residue for life if the intestate leaves issue.

33. (1) Subject to the rights of the husband or wife the whole residuary property is to be held on trust in favour of the issue of the intestate. Residue in trust for issue.

30 (2) If these trusts fail or determine in the lifetime of a surviving husband or wife of the intestate, then upon trust for the surviving husband or wife during the residue of his or her life. Husband or wife as tenant for life.

(B) RIGHTS OF ISSUE.

34. If the intestate leaves issue but no husband or wife, then the residuary property of the intestate shall be held on trusts for the issue of the intestate. Issue but no husband or wife.

35. Where the residuary property of an intestate is held on trust for the issue of the intestate, the trusts shall be as follows :— Trusts in favour of issue.

(1) In trust in equal shares (if more than one) for all children in equal shares. or any of the children or child of the intestate, living at the death of the intestate, who attain the age of twenty-one years or marry under that age.

45 (2) If any child of the intestate dies before the intestate, then for all his issue who survive the intestate, of deceased child and attain twenty-one or marry. For issue of deceased child of intestate.

Equal shares.

(3) Such issue shall take through all degrees, according to their stocks of descent in equal shares (if more than one) the share which their parent would have taken if living at the death of the intestate.

Not if parent living.

(4) No issue shall take whose parent is living at the death of the intestate, and so capable of taking. 5

Children's advances to be brought into hotchpot.

36. (1) Where the property held on the trusts for issue is divisible into shares, then any money or property which shall have been :—

(i) Paid to such child by the intestate by way of advancement or on the marriage of a child of the intestate; 10

(ii) Settled by the intestate on such marriage (including property covenanted to be paid or settled);

(iii) Provided for such child by the will, if any, of the intestate; 15

shall be taken as being so paid, settled or provided in or towards satisfaction of the share of such child or the share which such child would have taken if living at the death of the intestate, and shall be brought into account, at a valuation.

Valuation for account.

(2) (i) The value of capital, to be brought into account 20 under this section, when practicable is to be reckoned as at the death of the intestate.

Life interest.

(ii) The value of a life or less interest shall be liable to be brought into account.

Contrary intention expressed.

(iii) The provisions as to the bringing into hotchpot 25 shall not apply if the contrary intention is expressed or appears from the circumstances of the case.

Failure of trusts in favour of issue.

37. If the trusts in favour of the issue of the intestate fail by reason of no child or other issue attaining a vested interest, then the residuary property and the income thereof 30 and all accumulations shall go, devolve and be held as if the intestate had died without leaving issue living at the death of the intestate.

Issue.

(i) "Leaving no issue" shall be construed as "leaving no issue who attain a vested interest." 35

(ii) "Leaving issue" or "leaving a child or other issue" shall be construed as "leaving issue who attain a vested interest."

(c) WHERE THE INTESTATE HAS LEFT NO ISSUE.**Trusts for relatives other than issue.**

38. Where the residuary property of an intestate is held 40 on trusts for any class of relatives of the intestate, other than his issue, then the same shall be held on trusts corresponding to the trusts for his issue.

Advances not brought into hotchpot.

39. The provision for bringing any money or property into hotchpot account shall not apply to trusts for other than 45 the children of the intestate.

Rules of distribution where no issue.

40. Where the intestate has left no issue, the rules for the distribution of his property (subject to the interests of a surviving husband or wife) are as follows :—

Parents but no issue.

(1) If the intestate leaves both parents, the residuary 50 property shall belong to the father and mother in equal shares absolutely.

One parent but no issue.

(2) If the intestate leaves one parent only, the residuary property shall belong to the surviving father or mother absolutely.

(D) WHERE INTESTATE LEAVES NO ISSUE OR PARENT.

- 41.** Where the intestate leaves no issue or parent, then the residuary property shall be held in trust for the following persons living at his death, and in the following order and manner, namely :—
- | | | |
|-----|---|---|
| (1) | For the brothers and sisters of the whole blood of the intestate; but if no person takes an absolute interest under such trusts, then | Brothers and sisters of the whole blood |
| (2) | For the brothers and sisters of the half blood of the intestate; but if no person takes an absolute interest under such trusts, then | Brothers and sisters of the half blood. |
| (3) | For the grandparents of the intestate and, if more than one survive the intestate, in equal shares; but if no member of this class takes an absolute interest, then | Grandparents. |
| (4) | For the uncles and aunts of the intestate (whole blood); but if no person takes an absolute interest under such trusts, then | Uncles and aunts by whole blood. |
| (5) | For the uncles and aunts of the intestate (half blood); but if no person takes an absolute interest under such trusts, then | Uncles and aunts by half blood. |
| (6) | For the surviving husband or wife of the intestate absolutely. | Husband or wife absolutely. |
- 42.** If any person who would have been entitled under sections 40 or 41 dies before the intestate, all his or her issue who survive the intestate and attain twenty-one or marry take *per stirpes* the share of the deceased parent.
- 43.** If none of these relations survive the intestate, the residuary property shall belong to the Crown as *bona vacantia*.
- 44.** (1) The Crown may, out of the whole or any part of the property devolving on them, provide for dependents, whether kindred or not, of the intestate.
- (2) The Crown may also provide for other persons for whom it may be considered that the intestate ought to have made provision.
- 45.** A husband and wife shall for all purposes of distribution or division be treated as two persons.

PART VI.*Of the Effect of Marriage and Marriage-Settlements
on Property.*

- 46.** If a person whose domicil is not in the Colony marries in the Colony a person whose domicil is in the Colony, neither party acquires by the marriage any rights in respect of any property of the other party not comprised in a settlement made previous to the marriage, which he or she would not acquire thereby if both were domiciled in the Colony at the time of the marriage.
- 47.** The property of a minor may be settled in contemplation of marriage, provided the settlement be made by the minor with the approbation of the minor's father, or, if the latter be dead or absent from the Colony, with the approbation of the Supreme Court.

No issue or parent.

Brothers and sisters of the whole blood

Brothers and sisters of the half blood.

Grandparents.

Uncles and aunts by whole blood.

Uncles and aunts by half blood.

Husband or wife absolutely.

Children take per stirpes.

No surviving relations.
Bona vacantia to the Crown.

Provision by Crown for dependents of intestate.

Provision by Crown for others than dependents.

Husband and wife to be two persons.

Effect of marriage between person domiciled, and one not domiciled in the Colony.

Settlement of minor's property in contemplation of marriage.

PART VII.

Of Wills and Codicils.

**Persons capable
of making wills.**

48. Every person of sound mind and not a minor may dispose of his property by will.

Explanation 1.—A married woman may dispose by will of any property which she could alienate by her own act during her life. 5

Explanation 2.—Persons who are deaf, or dumb, or blind, are not thereby incapacitated for making a will if they are able to know what they do by it. 10

Explanation 3.—One who is ordinarily insane may make a will during an interval in which he is of sound mind.

Explanation 4.—No person can make a will while he is in such a state of mind, whether arising from drunkenness, or from illness, or from any other cause, that he does not know what he is doing. 15

**Testamentary
guardian.**

49. A father, whatever his age may be, may, by will, appoint a guardian or guardians for his child during minority.

**Will obtained
by fraud,
coercion or
importunity.**

50. A will or any part of a will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void. 20

**Will may be
revoked or
altered.**

51. A will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by will.

PART VIII.

25

Of the Execution of Unprivileged Wills.

**Execution of
unprivileged
wills.**

52. Except as provided by this Ordinance or other law for the time being in force, every testator not being a soldier employed in an expedition or engaged in actual warfare or a mariner at sea, must execute his will according to the following rules :— 30

First.—The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction.

Second.—The signature or mark of the testator or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will. 35

Third.—The signature or mark must be made or acknowledged by the testator in the presence of two witnesses present at the same time, and such witnesses must sign their names in the presence of the testator, but no particular form of attestation shall be necessary. 40

**Incorporation of
papers by
reference.**

53. If a testator, in a will or codicil duly attested, refers to any other document then actually written, as expressing any part of his intentions, such document shall be considered as forming a part of the will or codicil in which it is referred to. 45

PART IX.

Of Privileged Wills.

54. Any soldier being employed in an expedition, or engaged in actual warfare, or any mariner being at sea, may, if he has completed the age of eighteen years, dispose of his property by a will made as is mentioned in section 55.

Such wills are called "privileged wills."

55. Privileged wills may be in writing or may be made by word of mouth.

Mode of
making, and
rules for
executing,
privileged wills.

10 The execution of them shall be governed by the following rules :—

First.—The will may be written wholly by the testator with his own hand. In such case it need not be signed or attested.

15 *Second.*—It may be written wholly or in part by another person, and signed by the testator. In such case it need not be attested.

20 *Third.*—If the instrument purporting to be a will is written wholly or in part by another person, and is not signed by the testator, it shall be considered to be his will if it be shown that it was written by the testator's directions, or that he recognised it as his will.

25 If it appear on the face of the instrument that the execution of it in the manner intended by him was not completed, the instrument shall not, by reason of that circumstance, be invalid, provided that his non-execution of it can be reasonably ascribed to some cause other than the abandonment of the testamentary intentions expressed in the instrument.

30 *Fourth.*—If the soldier or mariner shall have written instructions for the preparation of his will, but shall have died before it could be prepared and executed, such instruction shall be considered to constitute his will.

35 *Fifth.*—If the soldier or mariner shall, in the presence of two witnesses, have given verbal instructions for the preparation of his will, and they shall have been reduced into writing in his lifetime, but he shall have died before the instrument could be prepared and executed, such instructions shall be considered to constitute his will, although they may not have been reduced into writing in his presence, nor read over to him.

Sixth.—Such soldier or mariner as aforesaid may make a will by word of mouth, by declaring his intentions before two witnesses present at the same time.

40 *Seventh.*—A will made by word of mouth shall be null at the expiration of one month after the testator shall have ceased to be entitled to make a privileged will.

PART X.

*Of the Attestation, Revocation, Alteration, and
Revival of Wills.*

Effect of gift
to attesting
witnesses.

56. A will shall not be considered as insufficiently attested by reason of any benefit thereby given, either by way of bequest or by way of appointment, to any person attesting it, or to his or her wife or husband : **5**

But the bequest or appointment shall be void so far as concerns the person so attesting or the wife or husband of such person, or any person claiming under either of them. **10**

Legacy not lost
by attesting a
codicil.

57. A legatee under a will does not lose his legacy by attesting a codicil which confirms the will.

Witness not
disqualified by
interest or by
being executor.

58. No person, by reason of interest in, or of his being an executor of, a will, is disqualified as a witness to prove the execution of the will or to prove the validity or invalidity **15** thereof.

Revocation of
will by
testator's
marriage.

59. Every will shall be revoked by the marriage of the maker, except a will expressed to be made in contemplation of a marriage, and a will made in exercise of a power of appointment, when the property over which the power of appointment **20** is exercised would not, in default of such appointment, pass to his personal representative, or to the person entitled in case of his intestacy.

Power of
appointment
defined.

Explanation.—Where a man is invested with power to determine the disposition of property of which he is not the **25** owner, he is said to have power to appoint such property.

Revocation of
unprivileged
will or codicil.

60. No unprivileged will or codicil, nor any part thereof, shall be revoked otherwise than by marriage or by another will or codicil, or by some writing declaring an intention to revoke the same and executed in the manner in which an unprivileged will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. **30**

Effect of
obliteration,
interlineation or
alteration in
unprivileged
will.

61. No obliteration, interlineation, or other alteration **35** made in any unprivileged will after the execution thereof shall have any effect except so far as the words or meaning of the will shall have been thereby rendered illegible or undiscernible, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; save that **40** the will, as so altered, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of, or opposite to, a memorandum referring to such alteration, **45** and written at the end or some other part of the will.

Revocation of
privileged
will or codicil.

62. A privileged will or codicil may be revoked by the testator, by an unprivileged will or codicil, or by any act expressing an intention to revoke it, and accompanied with such formalities as would be sufficient to give validity to a **50** privileged will, or by the burning, or tearing or otherwise destroying the same by the testator, or by some other person in his presence, and by his direction, with the intention of revoking the same.

Explanation.—In order to the revocation of a privileged will or codicil by an act accompanied with such formalities as would be sufficient to give validity to a privileged will, it is not necessary that the testator should, at the time of doing 5 that act, be in a situation which entitles him to make a privileged will.

63. No unprivileged will or codicil, nor any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed 10 in manner hereinbefore required, and showing an intention to revive the same :

And when any will or codicil which shall be partly revoked and afterwards wholly revoked shall be revived, such revival shall not extend to so much thereof as shall have been revoked 15 before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the will or codicil.

Revival of
unprivileged
will.

Extent of
revival of will
or codicil partly
revoked and
afterwards
wholly revoked.

PART XI.

Of the Construction of Wills.

64. It is not necessary that any technical words or terms 20 of art shall be used in a will, but only that the wording shall Wording of will. be such that the intentions of the testator can be known therefrom.

65. For the purpose of determining questions as to what person or what property is denoted by any words used in a 25 will, a court must inquire into every material fact relating to the persons who claim to be interested under such will, the property which is claimed as the subject of disposition, the circumstances of the testator and of his family, and into every fact, a knowledge of which may conduce to the right application 30 of the words which the testator has used.

Inquiries to
determine
questions as to
object or
subject of will.

66. Where the words used in the will to designate or describe a legatee, or a class of legatees, sufficiently show what is meant, an error in the name or description shall not prevent the legacy from taking effect.

Misnomer or
misdescription
of object.

35 A mistake in the name of a legatee may be corrected by a description of him, and a mistake in the description of a legatee may be corrected by the name.

67. Where any word material to the full expression of the meaning has been omitted, it may be supplied by the 40 context.

When words
may be
supplied.

68. If the thing which the testator intended to bequeath can be sufficiently identified from the description of it given in the will, but some parts of the description do not apply, such parts of the description shall be rejected as erroneous, and the bequest shall take effect.

Rejection of
erroneous
particulars in
description of
subject.

When part of description may not be rejected as erroneous.

69. If the will mentions several circumstances as descriptive of the thing which the testator intends to bequeath, and there is any property of his in respect of which all those circumstances exist, the bequest shall be considered as limited to such property, and it shall not be lawful to reject any part of the description as erroneous, because the testator had other property to which such part of the description does not apply. 5

Explanation.—In judging whether a case falls within the meaning of this section, any words which would be liable to rejection under section 68 are to be considered as struck out 10 of the will.

Extrinsic evidence admissible in case of latent ambiguity.

70. Where the words of the will are unambiguous, but it is found by extrinsic evidence that they admit of applications, one only of which can have been intended by the testator, extrinsic evidence may be taken to show which of these 15 applications was intended.

Extrinsic evidence inadmissible in cases of patent ambiguity or deficiency.

71. Where there is an ambiguity or deficiency on the face of the will, no extrinsic evidence as to the intentions of the testator shall be admitted.

Meaning of clause to be collected from entire will.

72. The meaning of any clause in a will is to be collected 20 from the entire instrument, and all its parts are to be construed with reference to each other; and for this purpose a codicil is to be considered as part of the will.

When words may be understood in restricted sense and when in sense wider than usual.

73. General words may be understood in a restricted sense where it may be collected from the will that the testator 25 meant to use them in a restricted sense; and words may be understood in a wider sense than that which they usually bear, where it may be collected from the other words of the will that the testator meant to use them in such wider sense.

Which of two possible constructions preferred.

74. Where a clause is susceptible of two meanings, 30 according to one of which it has some effect, and according to the other it can have none, the former is to be preferred.

No part rejected if it can be reasonably construed.

75. No part of a will is to be rejected as destitute of meaning if it is possible to put a reasonable construction upon it. 35

Interpretation of words repeated in different parts of will.

76. If the same words occur in different parts of the same will, they must be taken to have been used everywhere in the same sense, unless there appears an intention to the contrary.

Testator's intention to be effectuated as far as possible.

77. The intention of the testator is not to be set aside because it cannot take effect to the full extent, but effect is to 40 be given to it as far as possible.

The last of two inconsistent clauses prevails.

78. Where two clauses or gifts in a will are irreconcilable so that they cannot possibly stand together, the last shall prevail.

Will or bequest void for uncertainty.

79. A will or bequest not expressive of any definite 45 intention is void for uncertainty.

80. The description contained in a will, of property, the subject of gift, shall, unless a contrary intention appear by the will, be deemed to refer to and comprise the property answering that description at the death of the testator.

Words
describing
subject refer
to property
answering
description at
testator's
death.

5 81. Unless a contrary intention shall appear by the will, a bequest of the estate of the testator shall be construed to include any property which he may have power to appoint by will to any object he may think proper and shall operate as an execution of such power :

Power of
appointment
executed by
general bequest.

10 And a bequest of property described in a general manner shall be construed to include any property to which such description may extend, which he may have power to appoint by will to any object he may think proper, and shall operate as an execution of such power.

15 82. Where property is bequeathed to or for the benefit of such of certain objects as a specified person shall appoint, or for the benefit of certain objects in such proportions as a specified person shall appoint, and the will does not provide for the event of no appointment being made, if the power given **20** by the will be not exercised the property belongs to all the objects of the power in equal shares.

Implied gifts to
objects of power
in default of
appointment.

25 83. Where a bequest is made to the "heirs," or "right heirs," or "relations," or "nearest relations," or "family," or "kindred," or "nearest of kin," or "next of kin" of a particular person, without any qualifying terms, and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person and he had died intestate in respect of it, leaving assets for the payment of his debts **30** independently of such property.

Bequest to
"heirs," etc.,
of particular
person, without
qualifying
terms.

35 84. Where a bequest is made to the "representatives," or "legal representatives" or "personal representatives," or "executor or administrators," of a particular person and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person, and he had died intestate in respect of it.

Bequest to
"representa-
tives," etc., of
particular
person.

40 85. Where property is bequeathed to any person, he is entitled to the whole interest of the testator therein, unless it appears from the will that only a restricted interest was intended for him.

Bequest
without words
of limitation.

45 86. Where property is bequeathed to a person, with a bequest in the alternative to another person or to a class of persons; if a contrary intention does not appear by the will, the legatee first named shall be entitled to the legacy, if he be alive at the time when it takes effect; but, if he then be dead, the person or class of persons named in the second branch of the alternative shall take the legacy.

Bequest in
alternative.

50 87. Where property is bequeathed to a person, and words are added which describe a class of persons, but do not denote them as direct objects of a distinct and independent gift, such person is entitled to the whole interest of the testator therein, unless a contrary intention appears by the will.

Effect of words
describing a
class added to
bequest to a
person.

55 88. Where a bequest is made to a class of persons under a general description only, no one to whom the words of the description are not in their ordinary sense applicable shall take the legacy.

Bequest to class
of persons
under general
description
only.

Construction
of terms.

89. The word "children" in a will applies only to lineal descendants in the first degree.

The word "grandchildren" applies only to lineal descendants of the second degree of the person whose "children" or "grandchildren" are spoken of. 5

The words "nephews" and "nieces" apply only to children of brothers or sisters.

The words "cousins" or "first cousins," or "cousins-german," apply only to children of brothers or of sisters of the father or mother of the person whose "cousins," or "first 10 cousins," or "cousins-german" are spoken of.

The words "first cousins once removed" apply only to children of cousins-german or to cousins-german of a parent of the person whose "first cousins once removed" are spoken of.

The words "second cousins" apply only to grandchildren 15 of brothers or of sisters of the grandfather or grandmother of the person whose "second cousins" are spoken of.

The words "issue" and "descendants" apply to all lineal descendants whatever of the person whose "issue" or "descendants" are spoken of. 20

Words expressive of collateral relationship apply alike to relatives of full and of half-blood.

All words expressive of relationship apply to a child in the womb who is afterwards born alive.

Words expressing relationship denote only legitimate relatives, or, failing such, relatives reputed legitimate.

Provisions of construction where will purports to make two bequests to same person.

90. In the absence of any intimation to the contrary in 25 the will, the term "child," "son," or "daughter," or any word which expresses relationship, is to be understood as denoting only a legitimate relative, or where there is no such legitimate relative, a person who has acquired, at the date of the will, the reputation of being such relative. 30

91. Where a will purports to make two bequests to the same person, and a question arises whether the testator intended to make the second bequest instead of, or in addition to, the first, if there is nothing in the will to show what he intended, the following provisions shall prevail in determining 35 the construction to be put upon the will:—

First.—If the same specific thing is bequeathed twice to the same legatee in the same will, or in the will and again in a codicil, he is entitled to receive that specific thing only. 40

Second.—Where one and the same will or one and the same codicil purports to make, in two places, a bequest to the same person of the same quantity or amount of anything, he shall be entitled to one such legacy only.

Third.—Where two legacies of unequal amount are 45 given to the same person in the same will or in the same codicil, the legatee is entitled to both.

Fourth.—Where two legacies, whether equal or unequal in amount, are given to the same legatee, one by a will, and the other by a codicil, or each by a different 50 codicil, the legatee is entitled to both legacies.

Explanation.—In the four last clauses the word "will" does not include a codicil.

92. A residuary legatee may be constituted by any words that show an intention on the part of the testator that the person designated shall take the surplus or residue of his property.

Constitution of
residuary
legatee.

93. Under a residuary bequest, the legatee is entitled to all property belonging to the testator at the time of his death of which he has not made any other testamentary disposition which is capable of taking effect.

Property to
which residuary
legatee entitled.

94. If a legacy be given in general terms, without specifying the time when it is to be paid, the legatee has a vested interest in it from the day of the death of the testator, and if he dies without having received it, it shall pass to his representatives.

Time of vesting
of legacy in
general terms.

95. If the legatee does not survive the testator, the legacy cannot take effect, but shall lapse, and form part of the residue of the testator's property, unless it appear by the will that the testator intended that it should go to some other person.

In what case
legacy lapses.

In order to entitle the representatives of the legatee to receive the legacy, it must be proved that he survived the testator.

96. If a legacy be given to two persons jointly, and one of them die before the testator, the other legatee takes the whole.

Legacy does not
lapse if one of
two joint
legatees die
before testator.

97. But where a legacy is given to legatees in words which show that the testator intended to give them distinct shares of it, then, if any legatee die before the testator, so much of the legacy as was intended for him shall fall into the residue of the testator's property.

Effect of words
showing
testator's
intention to
give distinct
shares.

98. Where the share that lapses is a part of the general residue bequeathed by the will, that share shall go as undisposed of.

When lapsed
share goes as
undisposed of.

99. Where a bequest shall have been made to any child or other lineal descendant of the testator, and the legatee shall die in the lifetime of the testator, but any lineal descendant of his shall survive the testator, the bequest shall not lapse, but shall take effect as if the death of the legatee had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

When bequest
to testator's
child or lineal
descendant
does not lapse
on his death in
testator's
lifetime.

100. Where a bequest is made to one person for the benefit of another, the legacy does not lapse by the death, in the testator's lifetime, of the person to whom the bequest is made.

Bequest to A
for benefit of B
does not lapse
by A's death.

101. Where a bequest is made simply to a described class of persons, the thing bequeathed shall go only to such as shall be alive at the testator's death.

Survivorship in
case of bequest
to described
class.

Exception.—If property is bequeathed to a class of persons described as standing in a particular degree of kindred to a specified individual, but their profession of it is deferred until a time later than the death of the testator, by reason of a prior bequest or otherwise, the property shall at that time go to such of them as shall be then alive, and to the representatives of any of them who have died since the death of the testator.

PART XII.

Of Void Bequests.

Bequest to person by particular description who is not in existence at testator's death.

102. Where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void. 5

Exception.—If property is bequeathed to a person described as standing in a particular degree of kindred to a specified individual, but his possession of it is deferred until a time later than the death of the testator by reason of a prior bequest or otherwise, and if a person answering to the description is alive at the death of the testator, or comes into existence between that event and such later time, the property shall, at such later time, go to that person, or, if he be dead, to his representatives. 10:

Bequest to a person not in existence at testator's death, subject to prior bequest.

103. Where a bequest is made to a person not in existence at the time of the testator's death, subject to a prior bequest contained in the will, the later bequest shall be void, unless it comprises the whole of the remaining interest of the testator in the thing bequeathed. 15-

Provision against perpetuity.

104. No bequest is valid whereby the vesting of the thing bequeathed may be delayed beyond the lifetime of one or more persons living at the testator's decease, and minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the thing bequeathed is to belong. 20-
25.

Bequest to a class, some of whom may come under the provisions of sections 103 and 104.

105. If a bequest is made to a class of persons, with regard to some of whom it is inoperative by reason of the provisions of the two last preceding sections, or either of them, such bequest shall be wholly void.

Bequest to take effect on failure of bequest void under sections 103, 104, or 105.

106. Where a bequest is void by reason of any of the provisions of the three last preceding sections, any bequest contained in the same will, and intended to take effect after or upon failure or such prior bequest, is also void. 30-

Effect of direction for accumulation.

107. A direction to accumulate the income arising from any property shall be void; and the property shall be disposed of as if no accumulation had been directed. 35-

Exception.—Where the property is immovable, or where accumulation is directed to be made from the death of the testator, the direction shall be valid in respect only of the income arising from the property within one year next following 40- the testator's death :

And at the end of the year such property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made had elapsed.

Bequest to religious or charitable uses.

108. No man having a nephew or niece or any nearer relative shall have power to bequeath any property to religious or charitable uses, except by a will executed not less than twelve months before his death, and deposited within six months from its execution in some place provided by law for the safe custody of the wills of living persons. 45-

PART XIII.

Of the Vesting of Legacies.

109. Where by the terms of a bequest the legatee is not entitled to immediate possession of the thing bequeathed, a right to receive it at the proper time shall, unless a contrary intention appears by the will, become vested in the legatee on the testator's death, and shall pass to the legatee's representatives if he dies before that time, and without having received the legacy.

10 And in such cases the legacy is, from the testator's death, said to be vested in interest.

Explanation.—An intention that a legacy to any person shall not become vested in interest in him is not to be inferred merely from a provision whereby the payment or possession 15 of the thing bequeathed is postponed, or whereby a prior interest therein is bequeathed to some other person, or whereby the income arising from the fund bequeathed is directed to be accumulated until the time of payment arrives, or from a provision that, if a particular event shall happen, the legacy 20 shall go over to another person.

110. A legacy bequeathed in case a specified uncertain event shall happen does not vest until that event happens.

A legacy bequeathed in case a specified uncertain event shall not happen does not vest until the happening of that 25 event becomes impossible.

In either case, until the condition has been fulfilled, the interest of the legatee is called contingent.

Exception.—Where a fund is bequeathed to any person upon his attaining a particular age, and the will also gives to 30 him absolutely the income to arise from the fund before he reaches that age, or directs the income, or so much of it as may be necessary, to be applied for his benefit, the bequest of the fund is not contingent.

111. Where a bequest is made only to such members of 35 a class as shall have attained a particular age, a person who has not attained that age cannot have a vested interest in the legacy.

Vesting of interest in bequest to such members of a class as shall have attained particular age.

PART XIV.

Of Onerous Bequests.

112. Where a bequest imposes an obligation on the legatee, he can take nothing by it unless he accepts it fully.

Onerous bequests.

113. Where a will contains two separate and independent bequests to the same person, the legatee is at liberty to accept one of them, and refuse the other, although the former may be beneficial, and the latter onerous.

One of two separate and independent bequests to same person may be accepted and the other refused.

PART XV.

Of Contingent Bequests.

Bequest contingent upon specified uncertain event, no time being mentioned for its occurrence.

Bequest to such of certain persons as shall be surviving at some period not specified.

Bequest upon impossible condition.

Bequest upon illegal or immoral condition.

Fulfilment of condition precedent to vesting of legacy.

Bequest to A, and, on failure of prior bequest, to B.

When second bequest not to take effect on failure of first.

Bequest over, conditional upon happening or of not happening of specified uncertain event.

Condition must be strictly fulfilled.

Original bequest not affected by invalidity of second.

114. Where a legacy is given if a specified uncertain event shall happen, and no time is mentioned in the will for the occurrence of that event, the legacy cannot take effect unless such event happens before the period when the fund bequeathed is payable or distributable. 5

115. Where a bequest is made to such of certain persons as shall be surviving at some period, but the exact period is not specified, the legacy shall go to such of them as shall be alive at the time of payment or distribution, unless a contrary intention appear by the will. 10

PART XVI.

Of Conditional Bequests.

116. A bequest upon an impossible condition is void. 15

117. A bequest upon a condition, the fulfilment of which would be contrary to law or to morality, is void.

118. Where a will imposes a condition to be fulfilled before the legatee can take a vested interest in the thing bequeathed, the condition shall be considered to have been 20 fulfilled if it has been substantially complied with.

119. Where there is a bequest to one person, and a bequest of the same thing to another, if the prior bequest shall fail, the second bequest shall take effect upon the failure of the prior bequest although the failure may not have occurred 25 in the manner contemplated by the testator.

120. Where the will shows an intention that the second bequest shall take effect only in the event of the first bequest failing in a particular manner, the second bequest shall not take effect unless the prior bequest fails in that particular 30 manner.

121. A bequest may be made to any person with the condition superadded that, in case a specified uncertain event shall happen, the thing bequeathed shall go to another person; or that in case a specified uncertain event shall not happen, 35 the thing bequeathed shall go over to another person.

In each case the ulterior bequest is subject to the provisions of sections 110, 111, 112, 113, 114, 115, 116, 117, 119 and 120.

122. An ulterior bequest of the kind contemplated by 40 the last preceding section cannot take effect, unless the condition is strictly fulfilled.

123. If the ulterior bequest be not valid, the original bequest is not affected by it.

124. A bequest may be made with the condition super-added that it shall cease to have effect in case a specified uncertain event shall happen or in case a specified uncertain event shall not happen.

Bequest conditioned that it shall cease to have effect in case specified uncertain event shall happen or not happen.

5 125. In order that a condition that a bequest shall cease to have effect may be valid it is necessary that the event to which it relates be one which could legally constitute the condition of a bequest as contemplated by section 110.

Such condition must not be invalid under section 110.

126. Where a bequest is made with a condition super-
10 added that, unless the legatee shall perform a certain act, the subject-matter of the bequest shall go to another person, or the bequest shall cease to have effect but no time is specified for the performance of the act, if the legatee takes any step which renders impossible or indefinitely postpones the per-
15 formance of the act required, the legacy shall go as if the legatee had died without performing such act.

Result of legatee rendering impossible or indefinitely postponing act for which no time specified, and on non-performance of which subject-matter to go over.

127. Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon
20 the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified unless the performance of it be prevented by fraud, in which case such further time shall be allowed as shall be requisite
25 to make up for the delay caused by such fraud.

Performance of condition precedent or subsequent within specified time.

Further time in case of fraud.

PART XVII.

Of Bequests with Directions as to Application or Enjoyment.

128. Where a fund is bequeathed absolutely to or for the benefit of any person, but the will contains a direction that it shall be applied or enjoyed in a particular manner, the
30 legatee shall be entitled to receive the fund as if the will had contained no such direction.

Direction that funds be employed in particular manner following absolute bequest of same to or for benefit of any person.

129. Where a testator absolutely bequeaths a fund, so as to sever it from his own estate, but directs that the mode of enjoyment of it by the legatee shall be restricted so as to
35 secure a specified benefit for the legatee, if that benefit cannot be obtained for the legatee, the fund belongs to him as if the will had contained no such direction.

Direction that mode of enjoyment of absolute bequest is to be restricted, to secure specified benefit for legatee.

130. Where a testator does not absolutely bequeath a fund, so as to sever it from his own estate but gives it for
40 certain purposes and part of those purposes cannot be fulfilled, the fund or so much of it as has not been exhausted upon the objects contemplated by the will, remains a part of the estate of the testator.

Bequest of fund for certain purposes, some of which cannot be fulfilled.

PART XVIII.

Of Bequests to an Executor.

131. If a legacy is bequeathed to a person who is named an executor of the will, he shall not take the legacy unless he proves the will, or otherwise manifests an intention to act as executor.

Legatee named as executor cannot take unless he shows intention to act as executor.

PART XIX.

Of Specific Legacies.

Specific legacy defined.

132. Where a testator bequeaths to any person a specified part of his property which is distinguished from all other parts of his property, the legacy is said to be specific. 5

Bequest of sum certain where stocks, etc., in which invested are described.

133. Where a sum certain is bequeathed, the legacy is not specific merely because the stocks, funds, or securities in which it is invested are described in the will.

Bequest of stock where testator had, at date of will, equal or greater amount of stock of same kind.

134. Where a bequest is made, in general terms, of a certain amount of any kind of stock, the legacy is not specific 10 merely because the testator was, at the date of his will, possessed of stock of the specified kind, to an equal or greater amount than the amount bequeathed.

Bequest of money where not payable until part of testator's property disposed of in certain way.

135. A money legacy is not specific merely because the will directs its payment to be postponed until some part of the 15 property of the testator shall have been reduced to a certain form, or remitted to a certain place.

Where enumerated articles not deemed specifically bequeathed.

136. Where a will contains a bequest of the residue of the testator's property along with an enumeration of some items of property not previously bequeathed, the articles 20 enumerated shall not be deemed to be specifically bequeathed.

Retention in form of specific bequest to several persons in succession.

137. Where property is specifically bequeathed to two or more persons in succession, it shall be retained in the form in which the testator left it, although it may be of such a nature that its value is continually decreasing. 25

Sale and investment of proceeds of property bequeathed to two or more persons in succession.

138. Where property comprised in a bequest to two or more persons in succession is not specifically bequeathed it does not belong to the testator at the time of his death, or has been converted into property of a different kind, the legacy is deemed; that is, it cannot take effect by reason of the 30 time to time, authorise or direct and the fund thus constituted shall be enjoyed by the successive legatees according to the terms of the will.

Where deficiency of assets to pay legacies, specific legacy not to abate with general legacies.

139. If there is a deficiency of assets to pay legacies, a specific legacy is not liable to abate with the general legacies. 35

PART XX.

Of Demonstrative Legacies.

Demonstrative legacies defined.

140. Where a testator bequeaths a certain sum of money or a certain quantity of any other commodity, and refers to a particular fund or stock so as to constitute the same the 40 primary fund or stock out of which payment is to be made, the legacy is said to be demonstrative.

Explanation.—The distinction between a specific legacy and a demonstrative legacy consists in this, that—

Where specified property is given to the legatee the 45 legacy is specific;

Where the legacy is directed to be paid out of a specified property, it is demonstrative.

141. Where a portion of a fund is specifically bequeathed and a legacy is directed to be paid out of the same fund, the portion specifically bequeathed shall first be paid to the legatee and the demonstrative legacy shall be paid out of the residue of the fund, and, so far as the residue shall be deficient, out of the general assets of the testator.

Order of payment when legacy directed to be paid out of fund the subject of specific legacy.

PART XXI.

Of Ademption of Legacies.

142. If anything which has been specifically bequeathed does not belong to the testator at the time of his death, or has been converted into property of a different kind, the legacy is adeemed; that is, it cannot take effect, by reason of the subject-matter having been withdrawn from the operation of the will.

Ademption explained.

143. A demonstrative legacy is not adeemed by reason that the property on which it is charged by the will does not exist at the time of the death of the testator, or as been converted into property of a different kind; but it shall, in such case, be paid out of the general assets of the testator.

Non-ademption of demonstrative legacy.

144. Where the thing specifically bequeathed is the right to receive something of value from a third party, and the testator himself receives it, the bequest is adeemed.

Ademption of specific bequest of right to receive something from third party.

145. The receipt by the testator of a part of an entire thing specifically bequeathed, shall operate as an ademption of the legacy to the extent of the sum so received.

Ademption pro tanto by testator's receipt of part of entire thing specifically bequeathed.

146. If a portion of an entire fund or stock be specifically bequeathed, the receipt by the testator of a portion of the fund or stock shall operate as an ademption only to the extent of the amount so received; and the residue of the fund or stock shall be applicable to the discharge of the specific legacy.

Ademption pro tanto by testator's receipt of portion of entire fund of which portion has been specifically bequeathed.

147. Where a portion of the fund is specifically bequeathed to one legatee, and a legacy charged on the same fund is bequeathed to another legatee, if the testator receives a portion of that fund, and the remainder of the fund is insufficient to pay both the specific and the demonstrative legacy, the specific legacy shall be paid first, and the residue (if any) of the fund shall be applied, so far as it will extend in payment of the demonstrative legacy, and the rest of the demonstrative legacy shall be paid out of the general assets of the testator.

Order of payment where portion of fund specifically bequeathed to one legatee, and legacy charged on same fund to another, and testator having received portion of that fund, remainder insufficient to pay both legacies.

148. Where stock which has been specifically bequeathed does not exist at the testator's death, the legacy is adeemed.

Ademption where stock specifically bequeathed does not exist at testator's death.

149. Where stock, which has been specifically bequeathed, does only in part exist at the testator's death, the legacy is adeemed so far as regards that part of the stock which has ceased to exist.

Ademption pro tanto where stock specifically bequeathed exists in part only at testator's death.

Non-ademption
of bequest of
goods described
as connected
with certain
place, by
reason of
removal.

When removal
of thing
bequeathed
does not
constitute
ademption.

When thing
bequeathed
is a valuable to
be received by
testator from
third person;
and testator
himself or his
representative
receives it.

Change by
operation of
law of subject
of specific
bequest between
date of will and
testator's death.

Change of
subject
without
testator's
knowledge.

Stock
specifically
bequeathed
lent to third
party on
condition that
it be replaced.

Stock
specifically
bequeathed
sold but
replaced, and
belonging to
testator at his
death.

Non-liability of
executor to
exonerate
specific
legatees.

150. A specific bequest of goods under a description connecting them with a certain place is not adeemed by reason that they have been removed from such place from any temporary cause, or by fraud, or without the knowledge or sanction of the testator. 5-

151. The removal of the thing bequeathed from the place in which it is stated in the will to be situate, does not constitute an ademption, where the place is only referred to in order to complete the description of what the testator meant to bequeath. 10-

152. Where the thing bequeathed is not the right to receive something of value from a third person, but the money or other commodity which shall be received from the third person by the testator himself or by his representatives, the receipt of such sum of money or other commodity by the 15 testator shall not constitute an ademption.

But, if he mixes it up with the general mass of his property, the legacy is adeemed.

153. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, 20 and the change takes place by operation of law, or in the course of execution of the provisions of any legal instrument under which the thing bequeathed was held, the legacy is not adeemed by reason by such change.

154. Where a thing specifically bequeathed undergoes a 25 change between the date of the will and the testator's death, and the change takes place without the knowledge or sanction of the testator, the legacy is not adeemed.

155. Where stock, which has been specifically bequeathed, is lent to a third party on condition that it shall 30 be replaced, and it is replaced accordingly, the legacy is not adeemed.

156. Where stock specifically bequeathed is sold, and an equal quantity of the same stock is afterwards purchased, 35 and belongs to the testator at his death, the legacy is not adeemed.

PART XXII.

Of the Payment of Liabilities in Respect of the Subject of a Bequest.

157. Where property specifically bequeathed is subject, 40 at the death of the testator, to any pledge, lien, or incumbrance, created by the testator himself, or by any person under whom he claims, then, unless a contrary intention appears by the will, the legatee, if he accepts the bequest, shall accept it subject to such pledge or incumbrance, and shall 45 (as between himself and the testator's estate) be liable to make good the amount of such pledge or incumbrance.

A contrary intention shall not be inferred from any direction which the will may contain for the payment of the testator's debts generally. 50-

Explanation.—A periodical payment in the nature of land revenue or in the nature of rent is not such an incumbrance as is contemplated by this section.

158. Where anything is to be done to complete the testator's title to the thing bequeathed, it is to be done at the cost of the testator's estate.

Completion of
testator's title
to things
bequeathed to
be at cost of
his estate.

159. Where there is a bequest of any interest in immovable property, in respect of which payment in the nature of land revenue, or in the nature of rent, has to be made periodically, the estate of the testator shall (as between such estate and the legatee) make good such payments or a proportion of them up to the day of his death.

Exoneration of
legatee's
immovable
property for
which land-
revenue or
rent payable
periodically.

160. In the absence of any direction in the will where there is a specific bequest of stock in a joint-stock company, if any call or other payment is due from the testator at the time of his death in respect of such stock, such call or payment shall, as between the testator's estate and the legatee, be borne by such estate.

Exoneration of
specific
legatee's stock
in joint-stock
company.

But, if any call or other payment shall, after the testator's death, become due in respect of such stock, the same shall, as between the testator's estate and the legatee, be borne by the legatee, if he accept the bequest.

20

PART XXIII.

Of the Bequest of Things Described in General Terms.

161. If there be a bequest of something described in general terms, the executor must purchase for the legatee what may reasonably be considered to answer the description.

Bequest of
things described
in general
terms.

25

PART XXIV.

Of Bequests of the Interest or Produce of a Fund.

162. Where the interest or the produce of a fund is bequeathed to any person, and the will affords no indication of an intention that the enjoyment of the bequest should be of limited duration, the principal as well as the interest shall belong to the legatee.

Bequest of
interest or
produce of
fund.

PART XXV.

Of Bequests of Annuities.

163. Where an annuity is created by will, the legatee is entitled to receive it for his life only, unless a contrary intention appears by the will. And this rule shall not be varied by the circumstance that the annuity is directed to be paid out of the property generally, or that a sum of money is bequeathed to be invested in the purchase of it.

Annuity
created by will
payable for life
only unless
contrary
intention
appears by will.

164. Where the will directs that an annuity shall be provided for any person out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of an annuity for any person, on the testator's death the legacy vests in interest in the legatee, and he is entitled, at his option, to have an annuity purchased for him, or to receive the money appropriated for that purpose by the will.

Period of
vesting where
will directs
that annuity be
provided out of
proceeds of
property, or out
of property
generally, or
where money
bequeathed to
be invested in
purchase of
annuity.

Abatement of annuity.

165. Where an annuity is bequeathed, but the assets of the testator are not sufficient to pay all the legacies given by the will, the annuity shall abate in the same proportion as the other pecuniary legacies given by the will.

Where gift of annuity and residuary gift, whole annuity to be first satisfied.

166. Where there is a gift of an annuity and a residuary gift, the whole of the annuity is to be satisfied before any part of the residue is paid to the residuary legatee, and, if necessary, the capital of the testator's estate shall be applied for that purpose.

PART XXVI.

10

Of Legacies to Creditors and Portioners.

Creditor *prima facie* entitled to legacy as well as debt.

167. Where a debtor bequeaths a legacy to his creditor, and it does not appear from the will that the legacy is meant as a satisfaction of the debt, the creditor shall be entitled to the legacy as well as to the amount of the debt.

15

Child *prima facie* entitled to legacy as well as portion.

168. Where a parent who is under obligation by contract to provide a portion for a child, fails to do so, and afterwards bequeaths a legacy to the child, and does not intimate by his will that the legacy is meant as a satisfaction of the portion, the child shall be entitled to receive the legacy as well as the portion.

No ademption by subsequent provision for legatee.

169. No bequest shall be wholly or partially ademed by a subsequent provision made by settlement or otherwise for the legatee.

PART XXVII.

25

Of Election.

Circumstances in which election takes place.

170. Where a man, by his will, professes to dispose of something which he has no right to dispose of, the person to whom the thing belongs shall elect either to confirm such disposition or to dissent from it, and, in the latter case, he shall give up any benefits which may have been provided for him by the will.

30

Devolution of interest relinquished by owner.

171. The interest so relinquished shall devolve as if it had not been disposed of by the will in favour of the legatee, subject, nevertheless, to the charge of making good to the disappointed legatee the amount or value of the gift attempted to be given to him by the will.

35

Testator's belief as to his ownership immaterial.

172. The provisions of the two preceding sections will apply whether the testator does or does not believe that which he professes to dispose of by his will to be his own.

40

Bequest for man's benefit; how regarded for purpose of election.

173. A bequest for a man's benefit is, for the purpose of election, the same thing as a bequest made to himself.

Person deriving benefit indirectly not put to election.

174. A person taking no benefit directly under the will, but deriving a benefit under it indirectly, is not put to his election.

175. A person who, in his individual capacity, takes a benefit under the will, may in another character, elect to take in opposition to the will.

Person taking in individual capacity under will may, in other character, elect to take in opposition.

176. Acceptance of a benefit given by the will constitutes 5 an election by the legatee to take under the will, if he has knowledge of his right to elect, and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives inquiry into the circumstances.

When acceptance of benefit given by will constitutes election to take under will.

177. Such knowledge or waiver of inquiry shall, in the 10 absence of evidence to the contrary, be presumed if the legatee has enjoyed for two years the benefits provided for him by the will without doing any act to express dissent.

Presumption arising from enjoyment by legatee for two years.

178. Such knowledge or waiver of inquiry may be 15 inferred from any act of the legatee which renders it impossible to place the persons interested in the subject-matter of the bequest in the same condition as if such act had not been done.

Confirmation of bequest by act of legatee.

179. If the legatee shall not, within one year after the 20 death of the testator, signify to the testator's representatives his intention to confirm or to dissent from the will, the representatives shall, upon the expiration of that period, require him to make his election;

When testator's representatives may call upon legatee to elect.

And if he does not comply with such requisition within a 25 reasonable time after he has received it, he shall be deemed to have elected to confirm the will.

Effect of non-compliance.

180. In case of disability, the election shall be postponed until the disability ceases, or until the election shall be made by some competent authority.

Postponement of election in case of disability.

30

PART XXVIII.

Of the Gifts in Contemplation of Death.

181. A man may dispose, by gift made in contemplation of death, of any movable property which he could dispose of by will.

Property transferable by gift made in contemplation of death.

35 A gift is said to be made in contemplation of death where a man, who is ill and expects to die shortly of his illness, delivers to another the possession of any movable property to keep as a gift in case the donor shall die of that illness.

When gift is said to be made in contemplation of death.

Such a gift may be resumed by the giver.

Such gift resumable.

40 It does not take effect if he recovers from the illness during which it was made; nor if he survives the person to whom it was made.

When it fails.

PART XXIX.

Of the Grant of Probate and Letters of Administration.

Character and
property of
executor or
administrator
as such.

182. The executor, or administrator, as the case may be, of a deceased person, is his legal personal representative for all purposes, and all the property of the deceased person vests in him as such : 5

But nothing herein contained shall vest in a personal representative any property of a deceased person which would otherwise have passed by survivorship to some other person.

Administration
with copy
annexed of
authenticated
copy of will
proved abroad.

183. When a will has been proved and deposited in a court of competent jurisdiction, situate beyond the limits of the Colony, whether in the British dominions or in a foreign country, and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed. 10 15

Probate only
to appointed
executor.

184. (1) Probate can be granted only to an executor appointed by the will.

(2) The appointment may be express or by necessary implication.

185. Probate cannot be granted to any person who is a minor or is of unsound mind. 20

186. When several executors are appointed, probate may be granted to them all simultaneously, or at different times.

Persons to
whom probate
cannot be
granted.

Grant of
probate to
several
executors
simultaneously
or at different
times.

Separate
probate of
codicil
discovered after
grant of
probate.

187. If a codicil be discovered after the grant of probate a separate probate of that codicil may be granted to the executor, if it in no way repeals the appointment of executors made by the will. 25

Procedure when
different
executors
appointed by
codicil.

If different executors are appointed by the codicil, the probate of the will must be revoked, and a new probate granted of the will and codicil together. 30

Accrual of
representation
to surviving
executor.

188. When probate has been granted to several executors, and one of them dies, the entire representation of the testator accrues to the surviving executor or executors.

Right as
executor or
legatee, when
established.

189. No right as executor or legatee can be established in any court of justice, unless a court of competent jurisdiction within the Colony shall have granted probate of the will under which the right is claimed, or shall have granted letters of administration under section 183. 35

Effect of
probate.

190. Probate of a will when granted establishes the will from the death of the testator, and renders valid all intermediate acts of the executor, as such. 40

To whom
administration
may not be
granted.

191. Letters of administration cannot be granted to any person who is a minor or is of unsound mind.

192. Except as hereinafter mentioned no right to any part of the property of a person who has died intestate can be established in any court of justice, unless letters of administration have first been granted by a court of competent jurisdiction. 45

Right to
intestate's
property when
established.

193. Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration has been granted at the moment after his death.

Effect of letters of administration.

5 **194.** Letters of administration do not render valid any intermediate acts of the administrator tending to the diminution or damage of the intestate's estate.

Acts not validated by administration.

10 **195.** When a person appointed as executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued, calling upon the executor to accept or renounce his executorship :

Grant of administration where executor has not renounced.

15 Except that, when one or more of several executors have proved a will, the court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved.

20 **196.** The renunciation may be made orally in the presence of the judge, or by a writing signed by the person renouncing, and, when made, shall preclude him from ever thereafter, applying for probate of the will appointing him executor.

Form and effect of renunciation of executorship.

25 **197.** If the executor renounce, or fail to accept, the executorship within the time limited for the acceptance or refusal thereof, the will may be proved, and letters of administration with a copy of the will annexed, may be granted to the person who would be entitled to administration in case of intestacy.

Procedure where executor renounces or fails to accept within time limited.

198. When the deceased has made a will, but has not appointed an executor ; or

Grant of administration to universal or residuary legatee.

30 When he has appointed an executor who is legally incapable, or refuses to act, or has died before the testator, or before he has proved the will ; or

When the executor dies after having proved the will, but before he has administered all the estate of the deceased ;

35 An universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him of the whole estate, or of so much thereof as may be unadministered.

40 **199.** When a residuary legatee who has a beneficial interest survives the testator, but dies before the estate has been fully administered, his representative has the same right to administration with the will annexed as such residuary legatee.

Right to administration of representative of deceased residuary legatee.

45 **200.** Where there is no executor, and no residuary legatee or representative of a residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove 50 the will, and letters of administration may be granted to him or them accordingly.

Grant of administration where no executor, nor residuary legatee, nor representative of such legatee.

55 **201.** Letters of administration with the will annexed shall not be granted to any legatee other than an universal or a residuary legatee, until a summons has been issued and published in the manner hereinafter mentioned, calling on the next of kin to accept or refuse letters of administration.

Summons before grant of administration to legatee other than universal or residuary.

Order in which connections entitled to administer.

Administration to widow unless court see cause to exclude her.

Association with widow in administration.

Administration where no widow or widow excluded.

Proviso.

Title of kindred to administration.

Right of widower to administration of wife's estate.

Grant of administration to creditor.

Administration where property left in the Colony.

No probate or letters of administration to be granted except on production of a certificate from Estate Duty Commissioners.

202. When the deceased has died intestate, those who are connected with him either by marriage or by consanguinity are entitled to obtain letters of administration of his estate and effects in the order and according to the provisions hereinafter stated.

5

203. If the deceased has left a widow, administration shall be granted to the widow, unless the court shall see cause to exclude her, either on the ground of some personal disqualification, or because she has no interest in the estate of the deceased.

10

204. If the judge think proper, he may associate any person or persons with the widow in the administration who would be entitled solely to the administration if there were no widow.

205. If there be no widow, or if the court see cause to exclude the widow, it shall commit the administration to the person or persons who would be beneficially entitled to the estate according to the provisions for the distribution of an intestate's estate :

Provided that, when the mother of the deceased shall be one of the class of persons so entitled, she shall be solely entitled to administration.

206. Those who stand in equal degree of kindred to the deceased are equally entitled to administration.

207. The husband, surviving his wife, has the same right of administration of her estate as the widow has in respect of the estate of her husband.

208. Where there is no person connected with the deceased by marriage or consanguinity who is entitled to letters of administration, and willing to act, they may be granted to a creditor.

209. Where the deceased has left property in the Colony, letters of administration must be granted according to the foregoing provisions, although he may have been a domiciled inhabitant of a country in which the law relating to testate and intestate succession differs from the law of the Colony.

210. No probate or letters of administration or resealing of probate or letters of administration shall be granted by any court, unless a certificate is produced to the court from the Board of Estate Duty Commissioners or the assistant commissioner on behalf of the board to the effect that the requirements of the Estate Duty Ordinance, 1918, in regard to the payment of duty have been complied with.

PART XXX.

Of Limited Grants.

45

(A) GRANTS LIMITED IN DURATION.

Probate of copy or draft of lost will.

211. When the will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident, and not by any act of the testator, and a copy or the draft of the will has been preserved, probate may be granted of such copy or draft, limited until the original or a properly authenticated copy of it be produced.

212. When the will has been lost or destroyed, and no copy has been made, nor the draft preserved, probate may be granted of its contents, if they can be established by evidence. Probate of contents of lost or destroyed will.

213. When the will is in the possession of a person residing out of the Colony, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original, probate may be granted of the copy so transmitted, limited until the will, or an authenticated copy of it, be produced. Probate of copy where original exists.

214. Where no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will, or an authenticated copy of it, be produced. Administration until will produced.

(B) GRANTS FOR THE USE AND BENEFIT OF OTHERS HAVING RIGHT.

215. When any executor is absent from the Colony, and there is no executor within the Colony willing to act, letters of administration, with the will annexed, may be granted to the attorney of the absent executor, for the use and benefit of his principal, limited until he shall obtain probate or letters of administration granted to himself. Administration with will annexed, to attorney of absent executor.

216. When any person to whom, if present, letters of administration, with the will annexed, might be granted, is absent from the Colony, letters of administration, with the will annexed, may be granted to his attorney, limited as above mentioned. Administration with will annexed, to attorney of absent person, who, if present, would be entitled to administer.

217. When a person entitled to administration in case of intestacy is absent from the Colony, and no person equally entitled is willing to act, letters of administration may be granted to the attorney of the absent person, limited as before mentioned. Administration to attorney of absent person entitled to administer in case of intestacy.

218. When a minor is sole executor or sole residuary legatee, letters of administration, with the will annexed, may be granted to the legal guardian of such minor, or to such other person as the court shall think fit, until the minor shall have completed the age of twenty-one years, at which period, and not before, probate of the will shall be granted to him. Administration during minority of sole executor or residuary legatee.

219. When there are two or more minor executors, and no executor who has attained majority, or two or more residuary legatees, and no residuary legatee who has attained majority, the grant shall be limited until one of them shall have completed the age of twenty-one years. Administration during minority of several executors or residuary legatees.

220. If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the provisions for the distribution of intestates' estates, be a minor or lunatic, letters of administration, with or without the will annexed, as the case may be, shall be granted to the person to whom the care of his estate has been committed by competent authority, or, if there be no such person, to such other person as the court may think fit to appoint, for the use and benefit of the minor or lunatic until he attains majority or shall have become of sound mind, as the case may be. Administration for use and benefit of lunatic *jus habens*.

*Administration
pendente lite.*

221. Pending any suit touching the validity of the will of a deceased person, or for obtaining or revoking any probate or any grant of letters of administration, the court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing such estate, and every such administrator shall be subject to the immediate control of the court, and shall act under its direction. 5

(c) FOR SPECIAL PURPOSES.

*Probate
limited to
purpose
specified in will.*

222. If an executor be appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and, if he should appoint an attorney to take administration on his behalf, the letters of administration, with the will annexed, shall accordingly be limited. 10

*Administration,
with will
annexed,
limited to
particular
purpose.*

223. If an executor appointed generally give an authority to an attorney to prove a will on his behalf, and the authority is limited to a particular purpose, the letters of administration, with the will annexed, shall be limited accordingly. 15

*Administration
limited to
property in
which person
has beneficial
interest.*

224. Where a person dies, leaving property of which he was the sole or surviving trustee, or in which he had no beneficial interest on his own account, and leaves no personal representative, or one who is unable or unwilling to act as such, letters of administration, limited to such property, may be granted to the person beneficially interested in the property, or to some other person on his behalf. 20

25

*Administration
limited to suit.*

225. When it is necessary that the personal representative of a person deceased be made a party to a pending suit, and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in such suit, limited for the purpose of representing the deceased in the said suit or in any other cause or suit which may be commenced in the same or in any other court between the parties, or any other parties, touching the matters at issue in the said cause or suit, and until a final decree shall be made therein, and carried into complete execution. 30

226. If, at the expiration of twelve months from the date of any probate or letters of administration, the executor or administrator to whom the same has been granted is absent from the Colony, it shall be lawful for the court to grant, to any person whom it may think fit, letters of administration, limited to the purpose of becoming and being made a party to a suit to be brought against the executor or administrator, and carrying the decree which may be made therein into effect. 35

*Administration
limited to
purpose of
becoming party
to suit to be
brought against
administrator.*

*Administration
limited to
collection and
preservation of
deceased's
property.*

227. In any case in which it may appear necessary for preserving the property of a deceased person, the court, within whose district any of the property is situate may grant to any person whom such court may think fit, letters of administration limited to the collection and preservation of the property of the deceased and giving discharges for debts due to his estate, subject to the direction of the court. 45

228. When a person has died intestate, or leaving a will of which there is no executor willing and competent to act, or where the executor shall, at the time of the death of such person, be resident out of the Colony, and it shall appear to the court to be necessary or convenient to appoint some person to administer the estate or any part thereof, other than the person who, under ordinary circumstances, would be entitled 50

*Appointment,
as personal
representative,
of person other
than one who
under ordinary
circumstances
would be
entitled to
administration.*

to a grant of administration, it shall be lawful for the judge, in his discretion, having regard to consanguinity, amount of interest, the safety of the estate, and probability that it will be properly administered, to appoint such person as he shall 5 think fit to be personal representative.

And in every such case letters of administration may be limited or not as the judge shall think fit.

(D) GRANTS WITH EXCEPTION.

229. Whenever the nature of the case requires that an 10 exception be made, probate of a will, or letters of administration with the will annexed, shall be granted, subject to such exception. Probate or administration, with will annexed, subject to exception.

230. Whenever the nature of the case requires that an 15 exception be made, letters of administration shall be granted subject to such exception. Administration with exception.

(E) GRANTS OF THE REST.

231. Whenever a grant, with exception, of probate or 20 letters of administration with or without the will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate. Probate or administration of rest.

(F) GRANTS OF EFFECTS UNADMINISTERED.

232. If the personal representative to whom probate 25 has been granted has died, leaving a part of the testator's estate unadministered, a new personal representative may be appointed for the purpose of administering such part of the estate. Grants of effects un-administered.

233. In granting letters of administration of an estate 30 not fully administered, the court shall be guided by the same provisions as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made. Rules as to grants of effects unadministered.

234. When a limited grant has expired by effluxion of 35 time or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made. Administration when limited grant expired, and still some part of estate unadministered.

(G) ALTERATION IN GRANTS.

235. Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the court, and the grant of probate or letters of administration may be altered and amended accordingly. What errors may be rectified by court.

236. If, after the grant of letters of administration with 45 the will annexed, a codicil be discovered, it may be added to the grant on due proof and identification, and the grant altered and amended accordingly. Procedure where codicil discovered after grant of administration with will annexed.

(H) REVOCATION OF GRANTS.

237. The grant of probate or letters of administration 50 may be revoked or annulled for just cause. Revocation or annulment for just cause.

Explanation.—Just cause is :

(1) That the proceedings to obtain the grant were defective in substance;

- (2) That the grant was obtained fraudulently by making a false suggestion, or by concealing from the court something material to the case;
- (3) That the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently;
- (4) That the grant has become useless and inoperative through circumstances;
- (5) That the person to whom the grant was made has wilfully and without reasonable cause omitted to exhibit an inventory or account in accordance with the provisions of Part XXXIV of this Ordinance, or has exhibited under that part an inventory or account which is untrue in a material respect.

5

15

PART XXXI.

Of the Practice in Granting and Revoking Probates and Letters of Administration.

Power to appoint delegate to deal with non-contentious cases.

238. Jurisdiction under this Ordinance shall be exercised by the Supreme Court, and the Supreme Court may, from time to time, appoint such judicial officers within any district as it thinks fit, to act as delegates to grant probate and letters of administration in non-contentious cases within such local limits as it may from time to time prescribe.

Persons so appointed shall be called "district delegates." 25

District delegate's powers as to grant of probate and administration.

239. A district delegate shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in him in relation to any civil suit or proceeding pending in his court.

30

District delegate may order person to produce testamentary papers.

240. A district delegate may order any person to produce and bring into court any paper or writing, being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person;

And if it be not shown that any such paper or writing is in the possession or under the control of such person, but there is reason to believe that he has the knowledge of any such paper or writing, the court may direct such person to attend for the purpose of being examined respecting the same;

And such person shall be bound to answer such questions as may be put to him by the court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under the Indian Penal Code, or any Ordinance in substitution therefor, in case of default in not answering such questions, or not bringing in such paper or writing, as he would have been subject to in case he had been a party to a suit, and had made such default;

And the cost of the proceeding shall be in the discretion of the district delegate.

Proceedings of district delegate's court in relation to probate and administration.

241. The proceedings of the court of the district delegate in relation to the granting of probate and letters of administration shall, except as hereinafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the Civil Procedure Ordinance, 1924.

242. Until probate be granted of the will of a deceased person, or an administrator of his estate be constituted, the district delegate, within whose jurisdiction any part of the property of the deceased person is situate, is authorised and required to interfere for the protection of such property at the instance of any person claiming to be interested therein, and in all other cases where the delegate considers that the property incurs any risk of loss or damage; and for that purpose, if he shall see fit, to appoint an officer to take and keep possession of the property.

When and how district delegate to interfere for protection of property.

243. Probate of the will or letters of administration to the estate of a deceased person may be granted by the district delegate under the seal of his court, if it shall appear by a petition, verified as hereinafter mentioned, of the person applying for the same, that the testator or intestate, as the case may be, at the time of his decease, had a fixed place of abode, or any property, movable or immovable, within the jurisdiction of the delegate.

When probate or administration may be granted by district delegate.

244. When the application is made to a district delegate in a district in which the deceased had no fixed abode at the time of his death, it shall be in the discretion of the district delegate to refuse the application if in his judgment it could be disposed of more justly or conveniently in another district, or, where the application is for letters of administration, to grant them absolutely, or limited to the property within his own jurisdiction.

Disposal of application made to district delegate in which deceased had no fixed abode.

245. Probate and letters of administration may, upon application for that purpose to any district delegate, be granted by him in any case in which there is no contention, if it appears by petition (verified as hereinafter mentioned) that the testator or intestate, as the case may be, at the time of his death, resided within the jurisdiction of such district delegate.

Probate and letters of administration may be granted by district delegate.

246. Probate or letters of administration shall have effect over all the property and estate, movable or immovable, of the deceased, throughout the Colony;

Conclusiveness of probate or letters of administration.

And shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him;

And shall afford full indemnity to all debtors paying their debts, and all persons delivering up such property to the person to whom such probate or letters of administration shall have been granted.

Conclusiveness of application for probate or administration, if properly made and verified.

247. The application for probate or letters of administration, if made and verified in the manner hereinafter mentioned, shall be conclusive for the purpose of authorising the grant of probate or administration;

And no such grant shall be impeached by reason that the testator or intestate had no fixed place of abode, or no property within the district at the time of his death, unless by a proceeding to revoke the grant if obtained by a fraud upon the court.

248. Application for probate shall be made by a petition distinctly written in English or in the language in ordinary use in proceedings before the court in which the application is made, with the will annexed, and stating:—

Petition for probate.

The time of the testator's death;

That the writing annexed is his last will and testament;

That it was duly executed;

The amount of assets which are likely to come to the 5
petitioner's hands; and

That the petitioner is the executor named in the will:

And in addition to these particulars, when the application is to a district delegate, the petition shall further state that the deceased, at the time of his death, had his fixed place of abode, 10 or had some property, movable or immovable, situate within the jurisdiction of the district delegate.

In what cases
translation of
will to be
annexed to
petition.

249. In cases wherein the will is written in any language other than English, or than that in ordinary use in proceedings before the court, there shall be a translation thereof 15 annexed to the petition by a translator of the court, if the language be one for which a translator is appointed; or, if the will be in any other language, then by any person competent to translate the same, in which case such translation shall be verified by that person in the following manner:— 20

"I, A. B., do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation thereof."

Petition for
letters of
administration.

250. Applications for letters of administration shall be made by petition distinctly written as aforesaid, and stating:— 25

The time and place of the deceased's death;

The family or other relatives of the deceased, and their respective residences;

The right in which the petitioner claims;

That the deceased left some property within the 30 jurisdiction of the district delegate to whom the application is made; and

The amount of assets which are likely to come to the petitioner's hands:

And, when the application is to a district delegate, the 35 petition shall further state whether the deceased, at the time of his death, resided within the jurisdiction of such district delegate.

Petition for
probate or
administration
to be signed
and verified.

251. The petition for probate or letters of administration shall, in all cases, be subscribed by the petitioner and his 40 advocate (if any), and shall be verified by the petitioner in the following manner or to the like effect:—

"I, A. B., the petitioner in the above petition, declare that what is stated therein is true to the best of my information and belief."

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Verification of
petition for
probate by one
witness to will.

252. Where the application is for probate, the petition shall also be verified by at least one of the witnesses to the will (when procurable) in the manner or to the following effect:—

"I, C. D., one of the witnesses to the last will and 50 testament of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his signature (or mark) thereto (as the case may be) (or that the said testator acknowledged the writing annexed to the above petition to be his last will and testament in my 55 presence)."

253. If any petition or declaration which is hereby required to be verified shall contain any averment which the person making the verification knows or believes to be false, such person shall be subject to punishment according to the 5 provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

254. In all cases it shall be lawful for the Supreme Court (or district delegate), if he shall think proper :—

10 To examine the petitioner in person, upon oath or solemn affirmation, and also

To require further evidence of the due execution of the will, or the right of the petitioner to the letters of administration, as the case may be, and

15 To issue summons calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration.

20 The summons shall be fixed up in some conspicuous part of the courthouse, and also in the office of the district commissioner, and otherwise published or made known in such manner as the judge or district delegate issuing the same may direct.

255. Caveats against the grant of probate or administration may be lodged with the Supreme Court or a district 25 delegate;

and immediately on any caveat being lodged with any district delegate, he shall send a copy thereof to the Supreme Court;

30 and, immediately on a caveat being entered with the Supreme Court, a copy thereof shall be sent by the registrar to the district delegate, if any, within whose jurisdiction it is alleged the deceased had his fixed place of abode at the time of his death, and to any other district delegate to whom it may appear to the registrar expedient to transmit the same.

35 **256.** The caveat shall be to the following effect :— Form of caveat.

" Let nothing be done in the matter of the estate of A. B., late of , deceased, who died on the day of at , without notice to C. D., of "

40 **257.** No proceeding shall be taken on a petition for probate or letters of administration, after a caveat against the grant thereof has been entered with the judge or officer to whom the application has been made, or notice has been given of its entry with some other delegate, until after such notice to the 45 person by whom the same has been entered as the court shall think reasonable.

258. A district delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that 50 probate or letters of administration ought not to be granted in his court.

Explanation.—By "contention" is understood the appearance of anyone in person, or by his recognised agent, or by an advocate duly appointed to act on his behalf, to oppose the proceeding.

Punishment for
false averment
in petition or
declaration.

Supreme Court
or district
delegate may
examine
petitioner
in person;

require
further
evidence;

and issue
summons to
inspect
proceedings.

Publication of
summons.

Caveats against
grant of
probate or
administration.

After entry of
caveat, no
proceeding
taken on
petition until
after notice
to caveator.

District
delegate when
not to grant
probate or
administration.

Power to
transmit
statement to
Supreme Court
in doubtful
cases where no
contention.

259. In every case in which there is no contention, but it appears to the district delegate doubtful whether the probate or letters of administration should or should not be granted, or where any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the district delegate may, if he thinks proper, transmit a statement of the matter in question to the Supreme Court, who may direct the district delegate to proceed in the matter of the application, according to such instructions as to the Supreme Court may seem necessary, or may forbid any further proceeding by the district delegate in relation to the matter of such application, leaving the party applying for the grant in question to make application to the Supreme Court.

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Procedure
where there is
contention, or
district delegate
thinks probate
or letters of
administration
should be
refused in his
court.

260. In every case in which there is contention, or the district delegate is of opinion that the probate or letters of administration should be refused in his court, the petition, with any documents that may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the Supreme Court; unless the district delegate thinks it necessary, for the purposes 20 of justice, to impound the same, which he is hereby authorised to do; and in that case the same shall be sent by him to the Supreme Court.

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Grant of
probate to be
under seal
of court.

261. When it shall appear to the Supreme Court or district delegate that probate of a will should be granted, he 25 will grant the same under the seal of his court in manner following :—

Form of such
grant.

" I, , Judge of the Supreme Court (or district delegate appointed for granting probate or letters of administration in [here insert the limits of the 30 delegate's jurisdiction]), hereby make known that on the day of , in the year , the last will of , late of , a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his will, was granted to , the executor in the said will named, he having undertaken to administer the same, and to make a full and true inventory of the said property and credits, and exhibit the same in this court within six months from the date of this grant, or within such further time as the court may from time to time appoint, and also to render to this court a true account of the said property and credits within one year from the same date, or within such further time as 40 54 the court may from time to time appoint.

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" The day of 19.... "

Grant of
letters of
administration
to be under
seal of court.

262. Wherever it shall appear to the Supreme Court or district delegate that letters of administration to the estate of a person deceased, with or without a copy of the will 50 annexed, should be granted, he will grant the same under the seal of his court in manner following :—

Form of such
grant.

" I, , Judge of the Supreme Court (or district delegate appointed for granting probate or letters of administration in [here insert the limits of the 55 delegate's jurisdiction]), hereby make known that on the day of , letters of administration (with or without the will annexed,

as the case may be), of the property and credits oflate of.....deceased, were granted to....., the father (or as the case may be) of the deceased, he having undertaken to administer the same, and to make a full and true inventory of the said property and credits and exhibit the same in this court within six months from the date of this grant, or within such further time as the court may from time to time appoint, and also to render to this court a true account of the said property and credits within one year from the same date, or within such further time as the court may from time to time appoint.

"The.....day of.....19..."

263. Every person to whom any grant of letters of administration is committed shall give a bond to the Supreme Court (or district delegate) to ensure for the benefit of the judge or delegate for the time being, with one or more surety or sureties, engaging for the due collection, getting in, and administering the estate of the deceased, which bond shall be in such form as the Supreme Court shall, from time to time, by any general or special order, direct.

264. The court may, on application made by petition, and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security, or providing that the money received be paid into court, or otherwise as the court may think fit;

Assign the same to some person, his executors, or administrators;

Who shall thereupon be entitled to sue on the said bond in his own name as if the same had been originally given to him instead of to the Supreme Court, and shall be entitled to recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach thereof.

265. No probate of a will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted until after the expiration of fourteen clear days, from the day of the testator's or intestate's death.

266. The Supreme Court or district delegate shall file and preserve all original wills of which probate or letters of administration, with the will annexed, may be granted by him among the records of his court, until some public registry for wills is established;

And the Governor shall make rules for the preservation and inspection of the wills so filed as aforesaid.

267. After any grant of probate or letters of administration, no other than the person to whom the same shall have been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, until such probate or letters of administration shall have been recalled or revoked.

268. In any case before the Supreme Court in which there is contention, the proceedings shall take, as nearly as may be, the form of a regular suit according to the provisions of the Civil Procedure Ordinance, 1924, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared as aforesaid to oppose the grant shall be the defendant.

Payment to
executor or
administrator
before probate
or administra-
tion revoked.

Right of such
executor or
administrator
to recoup
himself.

Power to refuse
letters of
administration.

Appeals from
orders of
district
delegate.

Executor of his
own wrong.

Liability of
executor of his
own wrong.

In respect of
causes of action
surviving
deceased and
rents due at
death

269. Where any probate is or letters of administration are revoked, all payments *bona fide* made to any executor or administrator under such probate or administration before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same; 5

And the executor or administrator who shall have acted under any such revoked probate or administration may retain and reimburse himself in respect of any payments made by him, which the person to whom probate or letters of administration shall be afterwards granted might have lawfully 10 made.

270. Notwithstanding anything hereinbefore contained, it shall be in the discretion of the court to make an order refusing, for reasons to be recorded by it in writing, to grant any application for letters of administration made under this 15 Ordinance.

271. Every order made by a district delegate by virtue of the powers hereby conferred upon him, shall be subject to appeal to the Supreme Court under the rules contained in the Civil Procedure Ordinance, 1924, applicable to appeals. 20

PART XXXII.

Of Executors of their own Wrong.

272. Subject to the exceptions mentioned hereafter a person who intermeddles with the estate of the deceased, or does any other act which belongs to the office of executor, 25 while there is no rightful personal representative in existence thereby makes himself an executor of his own wrong.

Exception 1.—Intermeddling with the goods of the deceased for the purpose of preserving them, or providing for his funeral, or for the immediate necessities of his own family 30 or property, does not make an executor of his own wrong.

Exception 2.—Dealing in the ordinary course of business with goods of the deceased received from another does not make an executor of his own wrong.

273. When a person has so acted as to become an 35 executor of his own wrong, he is answerable to the rightful personal representative, or to any creditor or legatee of the deceased, to the extent of the assets which may have come to his hands, after deducting payments made to the rightful personal representative, and payments made in due course of administration. 40

PART XXXIII.

Of the Powers of a Personal Representative.

274. A personal representative has the same power to sue in respect of all causes of action that survive the deceased, 45 and to distrain for all rents due to him at the time of his death, as the deceased had when living

275. All demands whatsoever, and all rights to prosecute or defend any action or special proceeding, existing in favour of or against a person at the time of his decease, survive to and against his personal representatives; except causes of action for defamation, assault, as defined in the Indian Penal Code, or any Ordinance in substitution therefor, or other personal injuries not causing the death of the party; and except also cases where after the death of the party, the relief sought could not be enjoyed, or granting it would be nugatory.

10 **276.** A personal representative may in addition to, and not in derogation of, any other powers of expenditure, lawfully exercisable by him, incur expenditure :—

15 (a) On such acts as may be necessary for the proper care and management of any property belonging to any estate administered by him; and

(b) With the sanction of the Supreme Court, on such religious, charitable and other objects, and on such improvements as may be reasonable and proper in the case of such property.

20 **277.** A personal representative shall not be entitled to receive or retain any commission or agency charges at a higher rate than that for the time being fixed in respect of the Public Trustee by or under the Public Trustee's Ordinance, 1925.

25 **278.** A personal representative has power to dispose of the property of the deceased, either wholly or in part, in such manner as he may think fit.

30 **279.** If a personal representative purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

280. Where there are several personal representatives, the powers of all may, in the absence of any direction to the contrary, be exercised by any one of them who has proved the will or taken out administration.

35 **281.** The personal representatives of an intestate may accumulate surplus income during a minority.

282. With the consent of any tenant for life the personal representatives may purchase or redeem any life interest.

40 **283.** If the tenant for life is also the sole personal representative the leave of the court must be obtained.

284. The purchase price shall be the capital value of the life interest reckoned by tables selected by the personal representative and the costs of the transaction.

45 **285.** The purchase price shall be paid to the tenant for life or persons deriving title under him.

286. The residuary property of the intestate may then be dealt with or distributed free from such life interest.

287. The personal representatives of an intestate may permit any minor contingently interested to have the use and enjoyment of any personal movables.

This shall be in such manner and subject to such conditions as the personal representatives may consider reasonable.

Such minor shall not be liable to account for any consequential loss.

Minors marrying.

Raising of sum of £1,000.

Raising of capital for purchase of life interest.

Appointment of new trustees.

Survival of powers on death of one of several personal representatives.

Powers of personal representative of effects un-administered.

Powers of personal representative during minority.

Powers of married woman personal representative.

288. When a minor marries, such minor shall be 5 entitled to give valid receipts for the income of the minor's share or interest.

289. The personal representatives may raise the net sum of one thousand pounds, or any part thereof, and the interest thereon payable to the surviving husband or wife of 10 an intestate on the security of the whole or any part of the residuary property (other than the personal movables).

290. The personal representatives may raise the capital sum required for the purchase or redemption of the life estate of the surviving husband or wife of an intestate, or any part 15 thereof not satisfied by the application for that purpose of any part of the residuary property, and the costs of the transaction.

291. If there is only one personal representative (not being a trust corporation) or the Public Trustee then during any minority or the subsistence of a life interest, any person 20 interested may apply to the court for the appointment of new trustees either in addition to or in place of the personal representative.

292. Upon the death of one or more of several personal representatives, all the powers of the office become vested in 25 the survivors or survivor.

293. The personal representative of effects unadministered has, with respect to such effects, the same powers as the original personal representative.

294. A personal representative during minority has all 30 the powers of an ordinary personal representative.

295. When probate or letters of administration have been granted to a married woman, she has all the powers of an ordinary personal representative.

PART XXXIV.

35

Of the Duties of a Personal Representative.

As to deceased's funeral.

Inventory and account.

296. It is the duty of a personal representative to perform the funeral of the deceased in a manner suitable to his condition, if he has left property sufficient for the purpose.

297. (1) A personal representative shall, within six 40 months from the grant of probate or letters of administration, or within such further time as the court which granted the probate or letters may from time to time appoint, exhibit in that court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all 45 the debts owing by any person to which the personal representative is entitled in that character;

And shall in like manner within one year from the grant, or within such further time as the said court may from time to time appoint, exhibit an account of the estate, showing the 50 assets which have come to his hands, and the manner in which they have been applied or disposed of.

(2) The Supreme Court may from time to time prescribe the form in which an inventory or account under this section is to be exhibited.

(3) If a personal representative on being required by the court to exhibit an inventory or account under this section, intentionally omits to comply with the requisition, he shall be deemed to have committed an offence under section 176 of the Indian Penal Code or any Ordinance in substitution therefor.

10 (4) The exhibition of an intentionally false inventory or account under this section shall be deemed to be an offence under section 193 of the Indian Penal Code or any law in substitution therefor.

298. The personal representative shall collect with reasonable diligence the property of the deceased, and the debts that were due to him at the time of his death. *As to property of and debts owing to deceased.*

299. Out of the net money to arise from the sale and conversion of the property and out of the ready money of an intestate the personal representatives shall first pay any expenses. *First charges on property.*

300. In the case of an insolvent property the income accruing after the death of the intestate shall also be applicable for the purpose of paying expenses. *Insolvent property.*

301. Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and death-bed charges, including fees for medical attendance, and board and lodging for one month previous to his death, are to be paid before all debts. *Expenses to be paid before all debts.*

302. The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings and the Public Trustee's fees, if any, that may be necessary for administering the estate, are to be paid next after the funeral expenses and deathbed charges. *Expenses to be paid next after such expenses.*

303. Next to be paid are :—

35 (1) All Crown taxes and local rates due and having become due and payable within twelve months next preceding the death of the deceased and not exceeding in the whole one year's assessment; *Crown taxes and rents and local rates and wages for certain services to be next paid and then other debts.*

40 (2) All Crown rents not more than five years in arrear;

(3) Wages due for services rendered to the deceased within three months next preceding his death by any clerk, labourer, workman, or domestic servant;

and then the other debts of the deceased.

45 **304.** Save as aforesaid, no creditor is to have a right of priority over another by reason that his debt is secured by an instrument under seal, or on any other account. *Save as aforesaid, all debts to be paid equally and rateably.*

50 But the personal representative shall pay all such debts as he knows of, including his own, equally and rateably, as far as the assets of the deceased will extend.

305. If the domicil of the deceased was not in the Colony the application of his movable property to the payment of his debts is to be regulated by the law of the Colony. *Application of movable property to payment of debts where domicil not in the Colony.*

Creditor paid in part under section 305 to bring payment into account before sharing in proceeds of immovable property.

Debts to be paid before legacies.

Personal representative not bound to pay legacies without indemnity.

Abatement of general legacies.

Personal representative not to pay one legatee in preference to another.

Non-abatement of specific legacy when assets sufficient to pay debts.

Right under demonstrative legacy when assets sufficient to pay debts and necessary expenses.

Rateable abatement of specific legacies.

Legacies treated as general for purpose of abatement.

Assent necessary to complete legatee's title.

Effect of personal representative's assent to specific legacy.

Nature of assent.

306. No creditor who has received payment of a part of his debt by virtue of the last preceding section shall be entitled to share in the proceeds of the immovable estate of the deceased unless he brings such payment into account for the benefit of other creditors. 5

307. Debts of every description must be paid before any legacy.

308. If the estate of the deceased is subject to any contingent liabilities, a personal representative is not bound to pay any legacy without a sufficient indemnity to meet the 10 liabilities whenever they may become due.

309. If the assets, after payment of debts, necessary expenses, and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions : 15

And the personal representative has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or to any person for whom he is a trustee.

310. Where there is a specific legacy, and the assets 20 are sufficient for the payment of debts and necessary expenses, the thing specified must be delivered to the legatee without any abatement.

311. Where there is a demonstrative legacy, and the assets are sufficient for the payment of debts and necessary 25 expenses, the legatee has a preferential claim for payment of his legacy out of the fund from which the legacy is directed to be paid until such fund is exhausted, and, if, after the fund is exhausted, part of the legacy still remains unpaid, he is entitled to rank for the remainder against the general assets 30 as for a legacy of the amount of such unpaid remainder.

312. If the assets are not sufficient to answer the debts and the specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

313. For the purpose of abatement, a legacy for life, a 35 sum appropriated by the will to produce an annuity, and the value of an annuity when no sum has been appropriated to produce it, shall be treated as general legacies.

PART XXXV.

Of the Personal Representative's Assent to a Legacy. 40

314. The assent of the personal representative is necessary to complete a legatee's title to his legacy.

315. The assent of the personal representative to a specific bequest shall be sufficient to divest his interest as personal representative therein, and to transfer the subject of 45 the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way.

This assent may be verbal, and it may be either express or implied from the conduct of the personal representative.

316. The assent of a personal representative to a legacy may be conditional, and if the condition be one which he has a right to enforce, and it is not performed, there is no assent. Conditional assent.

317. When the personal representative is a legatee, his assent to his own legacy is necessary to complete his title to it, in the same way as it is required when the bequest is to another person, and his assent may in like manner be express or implied. Assent of personal representative to his own legacy.

Assent shall be implied, if, in his manner of administering the property, he does any act which is referable to his character of legatee, and is not referable to his character of personal representative. Implied assent.

318. The assent of the personal representative to a legacy gives effect to it from the death of the testator. Effect of personal representative's assent.

319. A personal representative is not bound to pay or deliver any legacy until the expiration of one year from the testator's death. Personal representative when to deliver legacies.

PART XXXVI.

Of the Payment and Apportionment of Annuities.

320. Where an annuity is given by the will, and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of a year next after that event. Commencement of annuity when no time fixed by will.

321. Where there is a direction that the annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the testator's death; and shall, if the personal representative think fit, be paid when due, but the personal representative shall not be bound to pay it till the end of the year. When annuity to be paid quarterly or monthly, first falls due.

322. Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a day certain, the successive payments, are to be made on the anniversary of the earliest day on which the will authorises the first payment to be made; Dates of successive payments when first payment directed to be made within given time, or on day certain.

And, if the annuitant should die in the interval between the times of payment, an apportioned share of the annuity shall be paid to his representative. Apportionment where annuitant dies between times of payment.

Of the Investment of Funds to Provide for Legacies.

323. Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as the Supreme Court may, by special order, or by any general rule to be made from time to time, authorise or direct and the proceeds thereof shall be paid to the legatee as the same shall accrue due. Investment of sum bequeathed where legacy not specific given for life.

Investment of general legacy, to be paid at future time.

324. Where a general legacy is given to be paid at a future time, the personal representative shall invest a sum sufficient to meet it in securities of the kind mentioned in the last preceding section.

Intermediate interest.

The intermediate interest shall form part of the residue 5 of the testator's estate.

Procedure when no fund charged with, or appropriated to, annuity.

325. Where an annuity is given, and no fund is charged with its payment or appropriated by the will to answer it, a Government annuity of the specified amount shall be purchased; or

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If no such annuity can be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in such securities as the Supreme Court may, by special order, or by any general rule to be made from time to time, authorise or direct.

15

Transfer to residuary legatee of contingent bequest.

326. Where a bequest is contingent, the personal representative is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee on his giving sufficient security for the payment of the legacy if it shall become due.

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Investment of residue bequeathed for life, without direction to invest in particular securities.

327. Where the testator has bequeathed the residue of his estate to a person for life without any direction to invest it in any particular securities, so much thereof as is not at the time of the testator's decease invested in such securities as the Supreme Court may for the time being regard as good 25 securities shall be converted into money, and invested in such securities.

Investment of residue bequeathed for life, with direction to invest in specified securities.

328. Where the testator has bequeathed the residue of his estate to a person for life, with a direction that it shall be invested in certain specified securities, so much of the estate 30 as is not at the time of his death invested in securities of the specified kind shall be converted into money and invested in such securities.

Time and manner of conversion and investment.

329. Such conversion and investment as are contemplated by the two last preceding sections shall be made at such 35 times and in such manner as the personal representative shall in his discretion think fit;

Interest payable until investment.

And until such conversion and investment shall be completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive 40 interest at the rate of four per cent. per annum upon the market value (to be computed as at the date of the testator's death) of such part of the fund as shall not yet have been so invested.

Procedure when minor entitled to immediate payment or possession of bequest, and no direction to pay to person on his behalf.

330. Where, by the terms of a bequest, the legatee is 45 entitled to the immediate payment or possession of the money or thing bequeathed, but is a minor, and there is no direction in the will to pay it to any person on his behalf, the personal representative shall pay or deliver the same into the Supreme Court or to the district delegate, by whom the probate was, 50 or letters of administration with the will annexed were, granted, to the account of the legatee, and such payment shall be a sufficient discharge for the money so paid;

And such money, when paid in, may be invested as the Supreme Court or the district delegate shall direct.

331. During a minority or the subsistence of any life interest and pending the distribution of the whole or any part of the property of an intestate, the personal representatives may invest the residue in any investments which the court **5** may, by any general rule to be made from time to time, authorise or direct for the investment of trust money.

332. At the discretion of the personal representatives, such investments may be changed for others of a like nature.

PART XXXVIII.

10 *Of the Produce and Interest of Legacies.*

333. The legatee of a specific legacy is entitled to the clear produce thereof (if any) from the testator's death.

Legatee's title
to produce of
specific legacy.

Exception.—A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death **15** of the testator and the vesting of the legacy. The clear produce of it forms part of the residue of the testator's estate.

334. The legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death.

Residuary
legatee's title
to produce of
residuary fund.

20 *Exception.*—A general residuary bequest, contingent in its terms, does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy. Such income goes as undisposed of.

25 **335.** Where no time has been fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the testator's death.

Interest when
no time fixed
for payment of
general legacy.

Exception 1.—Where the legacy is bequeathed in satisfaction of a debt, interest runs from the death of the testator.

30 *Exception 2.*—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, the legacy shall bear interest from the death of the testator.

35 *Exception 3.*—Where a sum is bequeathed to a minor with a direction to pay for his maintenance out of it, interest is payable from the death of the testator.

336. Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed. The interest up to such time forms part of the residue of the **40** testator's estate.

Interest when
time fixed.

Exception.—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, and the legatee is a minor, the legacy shall bear interest from the death of the testator, unless **45** a specific sum is given by the will for maintenance.

337. The rate of interest shall be four per cent. per annum.

Rate of interest.

No interest on
arrears of
annuity within
first year after
testator's death.

Interest on sum
to be invested
to produce
annuity.

338. No interest is payable on the arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

5

339. Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator.

PART XXXIX.

Of the Refunding of Legacies.

10

Refund of
legacy paid
under Supreme
Court orders.

No refund if
paid
voluntarily.

Refund when
legacy has
become due on
performance of
condition
within further
time allowed
under section
127.

340. When a personal representative has paid a legacy under the order of the Supreme Court he is entitled to call upon the legatee to refund, in the event of the assets proving insufficient to pay all the legacies.

341. When a personal representative has voluntarily paid a legacy, he cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies.

15

342. When the time prescribed by the will for the performance of a condition has elapsed, without the condition having been performed, and the personal representative has thereupon, without fraud, distributed the assets; in such case, if further time has been allowed under section 127 for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the personal representative, but those to whom he has paid it are liable to refund the amount.

20

25

When each
legatee
compeable to
refund in
proportion.

343. When the personal representative has paid away the assets in legacies, and he is afterwards obliged to discharge a debt of which he had no previous notice, he is entitled to call upon each legatee to refund in proportion.

30

Distribution of
assets.

344. Where a personal representative has given such notices as would have been given by the Supreme Court in an administration suit for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person of whose claim he shall not have had notice at the time of such distribution;

35

40

Creditor may
follow assets.

But nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, in the hands of the persons who may have received the same respectively.

Creditor may
call upon
legatee to
refund.

345. A creditor who has not received payment of his debt may call upon a legatee who has received payment of his legacy to refund, whether the assets of the testator's estate were or were not sufficient at the time of his death to pay both debts and legacies; and whether the payment of the legacy by the personal representative was voluntary or not.

45

346. If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy, or who has been compelled to refund under the last preceding section, cannot oblige one 5 who has received payment in full to refund, whether the legacy was paid to him with or without suit, although the assets have subsequently become deficient by the wasting of the personal representative.

When legatee not satisfied, or compelled to refund under section 345, cannot oblige one paid in full to refund.

347. If the assets were not sufficient to satisfy all the 10 legacies at the time of the testator's death, a legatee who has not received payment of his legacy must, before he can call on a satisfied legatee to refund, first proceed against the personal representative, if he is solvent; but, if the personal representative is insolvent or not liable to pay, the unsatisfied legatee 15 can oblige each satisfied legatee to refund in proportion.

When unsatisfied legatee must first proceed against personal representative if solvent.

348. The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

Limit of refunding of one legatee to another.

349. The refunding shall, in all cases, be without 20 interest.

Refunding to be without interest.

350. The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will.

Residue after usual payments to be paid to residuary legatee.

351. Where a person not having his domicil in the Colony 25 has died leaving assets both in the Colony and in the country in which he had his domicil at the time of his death:

Transfer of assets from the Colony to personal representative in country of domicil for distribution.

and there have been a grant of probate or letters of administration in the Colony with respect to the assets there, and a grant of administration in the country of domicil with 30 respect to the assets in that country:

the personal representative in the Colony, after having given such notices as are mentioned in section 344 and after having discharged, at the expiration of the time therein named, such lawful claims as he knows of:

35 may, instead of himself distributing any surplus or residue of the deceased's property to persons residing out of the Colony who are entitled thereto, transfer, with the consent of the personal representative in the country of domicil, the surplus or residue to him for distribution to those persons.

352. Any person applying to the Supreme Court for a 40 grant of probate or letters of administration shall, if he has reason at that time or at any time thereafter to believe that the deceased has left property in the Zanzibar Protectorate or the Uganda Protectorate notify the court to that effect.

Procedure where deceased has left property in Zanzibar or Uganda.

45 The court may at the time of granting probate or administration, or at any time thereafter, on being certified of the existence of property belonging to the deceased in either of the aforesaid protectorates, order that no claims other than claims entitled to priority be paid till the expiration of a period 50 not exceeding eighteen months from the making of such order.

A statement duly certified by His Majesty's High Court of Uganda or His Britannic Majesty's Court for Zanzibar, and filed in the Supreme Court of Kenya within the above period, showing the assets and liabilities of the estate of a deceased

person within the respective jurisdictions of those courts, may be taken into account by a personal representative in the Colony, and the court may order that the assets be distributed in such manner as to secure the payment of all claims, other than those entitled to priority, rateably with those certified by 5 the Courts of Zanzibar or Uganda as aforesaid.

The court may order that any balance remaining in the hands of a personal representative after payment of claims in Kenya, whether in full or rateably under the provisions of this section, may be transmitted in whole or in part to a personal 10 representative of the estate in Zanzibar or Uganda.

A personal representative acting in good faith under an order of the court as aforesaid shall not be liable to be sued in respect of such action.

PART XL.

15

Of the Liability of a Personal Representative for Devastation.

Liability of personal representative for devastation.

353. When a personal representative misapplies the estate of the deceased, or subjects it to loss or damage, he is liable to make good the loss or damage so occasioned.

Liability of personal representative for neglect to get in any part of property.

354. When a personal representative occasions a loss to 20 the estate by neglecting to get in any part of the property of the deceased, he is liable to make good the amount.

Power of Governor in Council to exempt any race, sect, or tribe in the Colony from operation of Ordinance.

PART XLI.

Miscellaneous.

355. The Governor in Council shall from time to time 25 have power by an order, either retrospectively from the passing of this Ordinance, or prospectively, to exempt from the operation of the whole or any part of this Ordinance, the members of any race, sect, or tribe in the Colony, or any part of such race, sect, or tribe, to whom he may consider it 30 impossible or inexpedient to apply the provisions of this Ordinance, or of the part of the Ordinance mentioned in the Order.

The Governor in Council shall also have power from time to time to revoke such order, but not so that the revocation 35 shall have any retrospective effect.

All orders and revocations made under this section shall be published in the Gazette.

Provisions applied to an administrator with will annexed.

356. In Parts XXXV, XXXVI, XXXVII, and XXXIX of this Ordinance the provisions as to an executor shall apply 40 also to an administrator with the will annexed.

Surrender of revoked probate or letters of administration.

357. (1) When a grant of probate or letters of administration is revoked or annulled under this Ordinance, the person to whom the grant was made shall forthwith deliver up the probate or letters to the court which made the grant. 45

Penalty for refusal.

(2) If such person wilfully and without reasonable cause omits so to deliver up the probate or letters he shall be punished with fine which may extend to one hundred pounds, or with imprisonment of either description for a term which may extend to three months, or with both.

358. With regard to the estates of deceased persons, the administration of which is not complete at the commencement of this Ordinance, the provisions of this Ordinance shall be applied as far as possible, to such estates so far as they shall 5 not then have been administered.

Application to estates partially administered.

359. (1) The following sections, namely, sections 48, 50, 51, 52, 53, 58 and 60 to 80 (both inclusive), sections 85, 86, 88, 91, to 106 (both inclusive), sections 109 to 180 (both inclusive), and section 189 apply :—

Application of Ordinance to Hindus, etc.

10 (a) To all wills and codicils made by any Hindu, Jaina, Sikh, or Buddhist within the Colony; and

(b) To all such wills and codicils made outside the Colony so far as relates to immovable property situated within the Colony.

15 (2) Provided that marriage shall not revoke any such will or codicil :

20 And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance, of which but for subsection (1) he could not deprive them by will :

And that nothing in this section contained shall affect any law of adoption or intestate succession :

25 And in applying sections 65, 66, 95, 99, 101, 102, 103, 104, 105 and 106, the words "son" and "child" shall be deemed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or natural born, of a child, whether adopted or natural born; and the expression 30 "daughter-in-law" shall be deemed to include the wife of an adopted son.

360. Proceedings to obtain probate of a will or letters of administration of the estate of any Hindu, Jaina, Sikh, Buddhist or Mohammedan shall be governed by Parts XXIX, 35 XXX, XXXI, XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX and XL of this Ordinance.

Probate in case of Hindus and Mohammedans.

40 **361.** The offices of the registrar and deputy registrar of the Supreme Court are hereby appointed places for the safe custody of the wills of living persons. The Governor, may by notice in the Gazette, appoint any other place or places for the same purpose.

Places appointed for custody of wills of living persons.

362. The Supreme Court shall have power with the approval of the Governor to make rules concerning the following matters :—

Power to make rules prescribing fees and other matters.

45 (a) Prescribing the fees to be paid on the deposit or withdrawal of a will.

(b) The formalities to be observed on deposit or withdrawal of a will.

(c) Generally, for the better carrying into effect of the provisions of section 331 hereof.

Saving clause.

363. Nothing in this Ordinance shall :—

(a) Validate any testamentary disposition which would otherwise have been invalid.

(b) Invalidate any such disposition which would otherwise have been valid.

(c) Deprive any person of any right of maintenance to which he would otherwise have been entitled.

(d) Affect the provisions as to distribution or intestacy contained in the King's African Rifles Ordinance, 1912, as from time to time amended.

(e) Affect the rights, duties and privileges of the Public Trustee.

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10

Repeals.

364. The Indian Succession Act, 1865, the Hindu Wills Act, 1870, the Indian Majority Act, 1875, and the Probate and Administration Act, 1881, as applied to the Colony are hereby repealed.

15

THE SUCCESSION ORDINANCE, 1925.

COMPARATIVE TABLE.

Section of the Bill.	Corresponding Section of the Indian Succession Act, 1865.	Corresponding Section of other laws.
1	...	1
2	...	2
3	...	3
4	...	—
5	...	4
6	...	5
7	...	6
8	...	7
9	...	8
10	...	9
11	...	10
12	...	11
13	...	12
14	...	13
15	...	14
16	...	15
17	...	16
18	...	17
19	...	18
20	...	19
21	...	—
22	...	25
23	—	... S. 147 (1) Law of Property Act, 1922.
24	—	... " " "
25	—	... " " "
26	—	... " " "
27	—	... S. 147 (2) Law of Property Act, 1922.
28	—	... S. 147 (5) " " "
29	—	
30	—	... S. 147 (6) " " "
31	—	
32	—	... S. 150 (2) Law of Property Act, 1922.
33	—	... S. 149 (1) " " "
34	—	... " " "
35	—	
36	—	
37	—	
38	—	... S. 149 (2) " " "
39	—	
40	—	... S. 150 (1) (iv) " " "
41	—	... S. 150 (1) (vi) " " "
42	—	... S. 149 (1) (i) " " "
43	—	... S. 150 (1) (vii) " " "
44	—	
45	—	... " " "
46	—	... " " "
47	—	44
48	—	45
49	—	46
50	—	47
51	—	48
52	—	49
53	—	50 ... S. 9, Wills Act, 1837
54	—	51
55	—	52
56	—	53
57	—	54
58	—	55
59	—	56 ... S. 152, Law of Property Act, 1922.
60	—	57
61	—	58
62	—	59
63	—	60
64	—	61
65	—	62
66	—	63
67	—	64

COMPARATIVE TABLE.—*Contd.*

Section of the Bill.	Correspond- ing Section of the Indian Succession Act, 1865.	Corresponding Section of other laws.
206	204	
207	205	
208	206	
209	207	
210	—	... Ordinance 24 of 1923, S. 7.
211	208	
212	209	
213	210	
214	211	
215	212	
216	213	
217	214	
218	215	
219	216	
220	217	
221	218	
222	219	
223	220	
224	221	
225	222	
226	223	
227	224	
228	225	
229	226	
230	227	
231	228	
232	229	
233	230	
234	231	
235	232	
236	233	
237	234	
238	235A	
239	236	
240	237	
241	238	
242	239	
243	240	
244	241	
245	241A	
246	242	
247	243	
248	244	
249	245	
250	246	
251	247	
252	248	
253	249	
254	250	
255	251	
256	252	
257	253	
258	253A	
259	253B	
260	253C	
261	254	
262	255	
263	256	
264	257	
265	258	
266	259	
267	260	
268	261	
269	262	
270	—	
271	263	
272	265	
273	266	
274	267	

COMPARATIVE TABLE.—*Contd.*

Section of the Bill.	Correspond- ing Section of the Indian Succession Act, 1865.	Corresponding Section of other laws.
275	268	
276	...	
277	...	—
278	...	269
279	...	270
280	...	271
281	...	—
282	...	—
283	...	—
284	...	—
285	...	—
286	...	—
287	...	—
288	...	—
289	...	—
290	...	—
291	...	—
292	...	272
293	...	273
294	...	274
295	...	275
296	...	276
297	...	277
298	...	278
299	...	279
300	...	—
301	...	279
302	...	280
303	...	281 ... S. 35, Bankruptcy Ordinance, 1925.
304	...	282
305	...	283
306	...	284
307	...	285
308	...	286
309	...	287
310	...	288
311	...	289
312	...	290
313	...	291
314	...	292
315	...	293
316	...	294
317	...	295
318	...	296
319	...	297
320	...	298
321	...	299
322	...	300
323	...	301
324	...	302
325	...	303
326	...	304
327	...	305
328	...	306
329	...	307
330	...	308
331	...	—
332	...	—
333	...	309
334	...	310
335	...	311
336	...	312
337	...	313
338	...	314
339	...	315
340	...	316
341	...	317
342	...	318
343	...	319

COMPARATIVE TABLE.—*Contd.*

Section of the Bill.	Correspond- ing Section of the Indian Succession Act, 1865.	Corresponding Section of other laws.
344 *	...	320
345	...	321
346	...	322
347	...	323
348	...	324
349	...	325
350	...	326
351	...	326A
352	...	— ... S. 334 of Uganda Cap. 17.
353	...	327
354	...	328
355	...	332
356	...	—
357	...	— ... S. 338 of Uganda Cap. 17.
358	...	— ... S. 339 of Uganda Cap. 17.
359	...	— ... Hindu Wills Act, 1870 (India).
360	...	—
361	...	—
362	...	—
363	...	—
364	...	—

7. If the purchaser shall have elected to pay the balance of the purchase money by instalments no assignment of the land leased or any part thereof shall be valid until the whole of the purchase money shall have been paid.

8. The rent due to the 31st day of December, 1925, the survey fees and the fees payable for the preparation and registration of the grant and the stamp duty payable in respect of the grant and, if the purchaser shall have elected to pay the balance of the purchase money in full, the balance of the purchase money shall be paid to the Land Officer at the Land Office, Nairobi, on or before the 30th March, 1925, and upon such payment being duly made, the purchaser shall, subject to the provisions of the Crown Lands Ordinance 1915, and if the conditions of sale have been complied with, be entitled to a grant of the farm presented to him duly executed as soon as conveniently may be.

9. If the payments mentioned are not made on or before the 30th March, 1925, the deposit paid by the purchaser shall be forfeited and the purchaser shall have no claim to a lease of the farm.

Condition No. 8
th March, 1925,
the deposit paid by
Government, and
claim to a lease

10. The grant will be under the provisions of the Registration of Titles Ordinance, 1919, and will be for 999 years, and will commence from the 1st day of April, 1925, and rent will be payable from that date.

N.B.—Re: Farm No. 4869 near Machakos. The survey of this farm may not be completed by the date of auction, an outspan which deprives the farm of access to water having been excised.

Re: Farm No. 2704, Athi River. The survey of this farm may not be completed by the date of auction, a Police Post having been excised therefrom in the South-west corner.

Re: Farm No. 5431, Kibos. The upset price for this farm includes the value of existing improvements.

Nairobi,

13th December, 1924.

C. E. MORTIMER,
for Commissioner of Lands.

SCHEDULE

E REFERRED TO IN NOTICE OF SALE.

L. O. No.	Situation.	Approx. Area acres.	Approx. Rent per annum Shs.	Upset Price. Shs.	Term of lease.	Survey Fees Shs.	Cost of Deed Shs.	Approx. proportionate rent from 1/4/25 to 31/12/25. Shs.
1732	Magadi Junction	5003	1,000/60	25,015	999 years from 1-4-25	1,370	90	750/45
1734	do.	5000	1,000	25,000	"	1,370	"	750
4369	Machakos	5000	1,000	10,000	"	1,370	"	750
2704	Athi River	2574	1,000	25,740	"	1,024	"	386/10
2706	do.	2762	514/80	27,620	"	1,050	"	414/30
3596	Sultan Hamud	1604	552/40	27,320	"	1,184	"	559/80
3597	Ulu	1587	320/80	33,670	"	1,130	"	505/05
2365	Donyo Saitoti	1000	317/40	7,935	"	1,024	"	400/50
1758	do.	3732	200	5,000	"	810	"	238/05
1745	Nyeri	3367	746/40	14,570	"	890	"	294/45
2299	do.	2670	673/40	9,815	"	1,076	"	437/10
2298	Trans-Nzoia	1963	534	13,350	"	1,104	"	456/30
2800	do.	2914	392/60	14,040	"	316	"	24
2301	do.	3042	582/80	14,800	"	676	"	158/40
3425	do.	160	608/40	21,480	"	836	"	251/85
2263	do.	1056	2	21,960	"	410	"	47/40
2522	do.	1679	33/11/20	1,056	"	330	"	25/65
5115	do.	316	6/5/80	16,790	"	486	"	52/65
3468	do.	171	1/20	632	"	596	"	111
1895	do.	388	20	1,710	"	516	"	80/55
3881	do.	54	20	14,040	"	516	"	82/35
54	do.	54	20	14,800	"	730	"	183/15
351	do.	351	34/	21,960	"	756	"	202/05
740	do.	740	70/	5,388	"	756	"	207/60
33	do.	536.3	148	5,388	"	810	"	237
32	do.	548.6	107/4	3,320	"	810	"	239/25
3019	do.	1221.0	109/80	20	"	970	"	349/65
2173	do.	1347	244/20	20	"	836	"	252/90
3020	do.	1347	269/40	20	"	756	"	207/60
2202	do.	1580	269/40	20	"	810	"	171/30
3043	do.	1580	316	6,5	"	650	"	134/40
2204	do.	2331	316	466/20	"	650	"	497/55
2211	do.	1686	337/20	13,986	"	1,130	"	11/10
5380	do.	1384	276/80	10,116	"	250	"	24
2213	do.	1595	319	11,072	"	316	"	596
1998	do.	1142	228/40	9,570	"	516	"	114/90
1999	do.	908	181/60	4,568	"	316	"	516
2000	do.	896	179/20	3,632	"	596	"	78/15
2002	do.	3317	663/40	3,584	"	316	"	316
5434	do.	74	14/80	33,170	"	650	"	24
3095	do.	160	32	1,110	"	716	"	28/85
1633	do.	766	153/20	3,200	"	9	"	42/30
3075	do.	521	104/20	3,064	"	516	"	516
1621	do.	160	32	6,252	"	316	"	316
3079	do.	159	31/80	3,200	"	650	"	650
5431	Kibos	281.5	56/40	3,180	"	716	"	716
			21,280	5	"	42/10	"	42/10

GENERAL NOTICE NO. 40.

NOTICE.

Private Bonded Warehouse Licence issued at Mombasa the 12th January, 1921, and renewed on 1st January, 1925.

Name.	Premises.	Period.	Warehouse No.
B. E. A. Corporation, Ltd.	Entire building situated at the Kilindini Pier and bounded on the North by the Road, East by Railway Land, South by Railway, and West by Messrs. African Mercantile Co.'s godown.	To 1st January, 1926.	1.

Private Bonded Warehouse Licence issued at Mombasa the 11th 1, 1922, and renewed on 1st January, 1925.

Boustead & Clarke, Ltd.	Godown No. 5299 situated near the Mombasa Railway Station and bounded on the North by godown, East by the Roadway, South by the Telegraph Engineer's Stores, and West by an open space.	To 1st January, 1926.	2.
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Private Bonded Warehouse Licence issued at Mombasa the 1st January, 1922, and renewed on 1st January, 1925.

Smith Mackenzie & Co., Agents for the British Imperial Oil Co. (South Africa) Ltd.	Bulk Oil Installation, Kilindini—Iron storage tank—capacity (full) 2,500 tons, bounded on the North by the African Wharfage Co.'s Workshops, East by the Uganda Railway Siding, South by Messrs. Smith Mackenzie & Co.'s private dwelling house, and West by the Kilindini Harbour.	To 1st January, 1926.	3.
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Private Bonded Warehouse Licence issued at Mombasa the 31st November, 1918, and renewed on 1st January, 1925.

The Mombasa Bonded Warehouse Co., Ltd.	Entire building—two supporting walls inside—situated at Kilindini and bounded on the North and South by the Company's godowns separated by space of 6 feet each side, East by Sherriffbhai Street, and West by Railway Siding.	To 1st January, 1926.	4.
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Private Bonded Warehouse Licence issued at Mombasa the 15th January, 1923, and renewed on 1st January, 1925.

The Mombasa Bonded Warehouse Co., Ltd.	Entire building (Old No. 6 Customs Godown) situated at Mackenzie Road near the Custom House, Mombasa, and bounded on the North by the Customs Yard; East, South and West by dwelling houses.	To 1st January, 1926.	5.
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Private Bonded Warehouse Licence issued at Mombasa the 31st August, 1923, and renewed on 1st January, 1925.

Messrs. Smith Mackenzie & Co.	A portion of the godown situated at Kilindini and bounded on the North by the Company's godown, East by Railway siding, South by East African Lighterage Co.'s godown and West by Temple Bar Road.	To 1st January, 1926.	6.
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Private Bonded Warehouse Licence issued at Mombasa the 16th May, 1919, and renewed on
1st January, 1925.

Name.	Premises	Period.	Warehouse No.
The Mombasa Bonded Warehouse Co., Ltd.	Entire building situated at Kilindini and bounded on the North by Company's godown, East by Sheriffbhai Street, South by vacant space and Company's godown No. 3, and West by Railway siding.	To 1st January, 1926.	7.

Private Bonded Warehouse Licence issued at Mombasa the 18th January, 1923, and renewed on
1st January, 1925.

Pandya & Co.	Two godowns of building No. 5293 situated near the Mombasa Railway Station and bounded on the North by public road, East by an open lane, South by C. M. S. compound and West by a godown the property of the Standard Bank of South Africa Ltd.	To 1st January, 1926.	9.
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Private Bonded Warehouse Licence issued at Kampala, Uganda, the 1st January, 1924,
and renewed on 1st January, 1925.

B. E. A. Corporation, Ltd.	Entire building situated at Kampala, Uganda, and bounded on the North by Portal Avenue, East by Colville Street, South by Sanitary Lane, and West by vacant plot No. 9.	To 1st January, 1926.	10.
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Private Bonded Warehouse Licence issued at Mombasa the 19th September, 1924, and renewed on
1st January, 1925.

Sheriff Dewji & Sons.	Whole ground floor room of the building situated near Leven House and bounded on the North by Palmer Street, East by a Godown, South and West by Public Road.	To 1st January, 1926.	11.
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Private Bonded Warehouse Licence issued at Mombasa the 18th November, 1924,
and renewed on 1st January, 1925.

The Mombasa Bonded Warehouse Co., Ltd.	Godown composed of two rooms situated near the Mombasa Railway Station and bounded on the North by Station Road, East by Public Road, South by Godown of Messrs. L. Frigerio & Co., Ltd., and West by open space.	To 1st January, 1926.	12
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Custom House, Mombasa,
10th January, 1925.

G. WALSH,
Commissioner of Customs, Kenya and Uganda.

GENERAL NOTICE No. 41.

HIS MAJESTY'S SUPREME COURT OF KENYA.

AND

RESIDENT MAGISTRATE'S COURT AT NAIROBI.

To all to whom it may concern,

TAKE NOTICE that the matters set out in the Schedules hereto stand credited in the books of above Courts with the respective sums set out in the said Schedules.

Any person claiming to be entitled to any sum so credited should apply to the respective Court for payment out of the same.

Any sum not claimed on or before the 31st day of March, 1925, will be paid into the Government Revenues of the Colony.

Nairobi.

23rd December, 1924.

E. J. O'FARRELL,
Acting Registrar,
Supreme Court of Kenya.

STATEMENT OF PETTY CASH DEPOSITS UNCLAIMED FOR
FIVE YEARS.

Date.	Case No.	Parties.	Shs.	Cts.
2- 1-19	C.C. 1828/18	Rematbai v. Abdul Majid Khan	10	00
2- 1-19	C.C. 2189/18	Ruraram v. Abu bin Abdulla	10	00
2- 1-19	C.C. 284/18	Marwaha Bros. v. Bhailal Bechar	5	00
8- 1-19	Cr. 38/18	Bhagwansi v. Kastur Singh	34	00
8- 1-19	C.C. 1954/18	Sood v. Campling	10	00
10- 1-19	D.R. 221/18	Hayat Mohammed v. D. M. Patel	124	00
10- 1-19	C.C. 1470/18	Santos v. Moonesamy	2	20
13- 1-19	C.C. 305/18	Atkinson v. Atkinson	10	00
13- 1-19	C.C. 1484/18	The Dustpan v. Premji Virji	16	60
14- 1-19	C.C. 1954/18	Sood v. Campling	10	00
14- 1-19	D.R. 47/18		14	00
16- 1-19	C.C. 1885/18	Govindji Prabhashanker & Co. v. Kashi Singh	16	00
17- 1-19	C.C. 28/19	Kirparam v. Nika Ram	18	00
17- 1-19	C.C. 1907/18	Henry Lewis v. Akadir	21	00
18- 1-19	C.C. 130/16	Marwaha Bros. v. Radha Kishen	20	00
18- 1-19	C.C. 230/18	Dost Mohammed & Bros. v. D. Parbat	46	00
21- 1-19		Secretary to Government Political Dept., Bombay	9	62
21- 1-19	Cr. 38/19	Bhagwansi v. Kastur Singh	6	00
25- 1-19	C.C. 1793/18	Mohamed Din v. Mohamed Din	12	00
29- 1-19	C.C. 326/16	Wärswa v. Kamau	3	60
31- 1-19	C.C. 1971/18	Dosaji Hassanali v. Mohamed Amin	50	00
3- 2-19	Cr. 67/19	Town Clerk v. Thakur Dass	30	00
6- 2-19		Sub-Judge, Nazir, Borsad, India	10	00
15- 2-19	C.C. 187/19	The Dustpan v. Hermen	10	00
19- 2-19	C.C. 22/17	B. Shanker v. Safi	14	00
22- 2-19	Ins. 4/19	Karsandass Dayabhai & Co	8	40
24- 2-19	Cr. 243/19	Crown v. Disai and Paltanwala	31	00
27- 2-19	C.C. 80/19	Ladha v. Sharif Din	10	00
28- 2-19	C.C. 2288/18	Yagnik v. Kasturchand	24	00
28- 2-19	C.C. 1598/18	Mohamedali Rehmanji v. Jethalal	9	20
28- 2-19	C.C. 73/19	Lavji Nenshi v. Jagjivan	6	00
5- 3-19	C.C. 79/19	J. D. Patel v. Ramcharan	46	00
5- 3-19	C.C. 482/18	Merali Remtulla v. Gangadass & Co.	10	00
6- 3-19	Cr. 343/19	Ali bin Saidi v. Kalyanji	4	00
6- 3-19	345/19	Kachra Samji v. Mangaldass	52	00

STATEMENT OF PETTY CASH DEPOSITS UNCLAIMED FOR
FIVE YEARS.—Contd.

<i>Date.</i>	<i>Case No.</i>	<i>Parties.</i>	<i>Shs. Cts.</i>
8- 3-19	... C.C. 143/18	... Souza Junior & Dias v. V. F. X. Pinto	10 00
10- 3-19	... C.C. 436/19	... The Dustpan v. President	16 00
10- 3-19	... C.C. 1578/18	... Ali Khan v. Percy Woodward	10 00
11- 3-19	... Cr. C. 276/19	... Crown v. Abdul Majid Khan	4 00
13- 3-19	... C.C. 312/19	... Abdul Wahid v. Rubein Bros.	10 00
15- 3-19	... C.C. 1973/18	... Gangaram v. Johnston	10 00
15- 3-19	... C.C. 409/19	... Karam Dad v. Jamal	6 00
19- 3-19	... C.C. 123/19	... Dhanji Kurji v. Merali	10 00
19- 3-19	... C.C. 414/19	... Madhavji v. Hansraj	2 00
19- 3-19	... C.C. 185/19	... Dustpan v. Laloo	18 20
22- 3-19	... C.C. 268/19	... Tulsi Punja v. Partab Singh	10 00
27- 3-19	... Cr. 423/19	... Crown v. Bhagwan Singh	19 00
28- 3-19	... Cr. 276/19	... Crown v. Abdul Majid Khan	4 00
28- 3-19	... —	... Subsistance allowance returned by Jailer	108 60
1- 4-19	... C.C. 438/19	... Jiwa Walji v. Padamsi	16 00
3- 4-19	... C.C. 366/19	... Bishendass v. Ramsah	12 00
4- 4-19	... D.R. 77/19	... Noor Hussein v. Ali Mohamed	7 00
7- 4-19	... C.C. 80/19	... Ladha v. Sharaf Din	8 00
9- 4-19	... C.C. 265/18	... S. D. Patel v. Narshi Hansraj	6 00
9- 4-19	... P. & A. 43/16	... Re: Abdilla Shiri	40 00
10- 4-19	... D.R. 47/19	... Safi v. Safi	20 00
12- 4-19	... C.C. 139/19	... Jadavji Walji v. Premji and others	10 00
12- 4-19	... C.C. 142/19	... White Wilson v. Nathoo	10 00
14- 4-19	... C.C. 318/19	... Hirji Devshanker & Co. v. Jamnadass	10 00
14- 4-19	... Ins. 12/19	... Karim Bux	25 10
16- 4-19	... Ins. 14/19	... Premji Virji	1 60
22- 4-19	... C.C. 455/19	... C. Fernandes v. Hussein Bux	4 00
22- 4-19	... Cr. C. 531/19	... —	4 00
28- 4-19	... P. & A. 12/18	... Re: C. Higinson	11 00
28- 4-19	... Cr. C. 530/19	... Jangiram v. Kachra Samji	20 00
28- 4-19	... Ins. 2/15	... Velji Kassam	41 60
3- 5-19	... C.C. 1213/17	... Abdulhussein Karimji & Co. v. Ganesh	10 00
5- 5-19	... C.C. 329/19	... Hirji Devshanker & Co. v. M. M. Patel	33 00
5- 5-19	... C.C. 129/19	... S. Medicks v. Radly	108 00
7- 5-19	... C.C. 721/19	... Gaurishanker v. Laloo	10 00
7- 5-19	... Ins. 20/19	... Maneckchand	37 20
15- 5-19	... D.R. 146/18	... Dost Mohammed & Bros. v. Choudri	21 00
16- 5-19	... Ins. 22/19	... Raoji Uka & Sons	43 20
20- 5-19	... D.R. 262/18	... Jagjivan Manji	60 00
21- 5-19	... C.C. 1822/17	... Ali Khan v. Moonesamy	14 00
23- 5-19	... C.C. 110/18	... R. Fernandes v. Nazareth	60 00
23- 5-19	... P. & A. 45/19	... Re: Elmi Daria	8 00
23- 5-19	... Ins. 24/19	... Re: Walji Anderji	21 60
23- 5-19	... Ins. 25/19	... Re: Gordhandass	3 10
23- 5-19	... C.C. 2170/18	... R. W. Burkit v. Gurdit Singh	10 00
23- 5-19	... —	... Service fee from Lahore	8 00
29- 5-19	... D.R. 115/18	... Kirparam & Sons v. Anderson & Co.	8 00
4- 6-19	... C.C. 762/19	... E.A. Standard v. Electric P. & L. Co.	30 00
4- 6-19	... C.C. 77/19	... Ali Mohamed v Ali Mohamed	7 00
6- 6-19	... Ins. 26/19	... Nagardas Khushalchand & Bros.	43 10
6- 6-19	... C.C. 762/19	... E.A. Standard v. Electric P. & L. Co.	50 00
10- 6-19	... Ins. 27/19	... J. A. Nazareth	43 70
12- 6-19	... C.C. 297/18	... V. N. Patel v. Thakurdas	16 00
12- 6-19	... C.C. 762/19	... E.A. Standard v. Electric P. & L. Co.	40 00
13- 6-19	... Ins. 29/19	... Puri Bros.	33 20
13- 6-19	... Ins. 30/19	... Keharchand	41 60
16- 6-19	... P. & A. 48/19	... Ramji Narsi	8 40
16- 6-19	... P. & A. 49/19	... C. N. Patel	8 40
17- 6-19	... C.C. 2040/18	... J. H. S. Todd v. Mrs. Wit and others	15 00
17- 6-19	... Ins. 32/19	... —	91 50
18- 6-19	... C.C. 294/19	... Ahmed Anayad v. Ali Noor	12 00
18- 6-19	... C.C. 881/19	... Karmali v. Jethalal	40 00
18- 6-19	... P. & A. 50/19	... S. Gonsalves	11 60
19- 6-19	... Ins. 3/19	... Premji Dharamsi & Co.	8 40
19- 6-19	... C.C. 1059/19	... Rammal & Sons v. Mulji	10 00
19- 6-19	... C.C. 329/19	... Hirji Devshanker & Co. v. M. M. Patel	8 00
19- 6-19	... C.C. 1076/19	... Pheroram v. Hazara Singh	50 00
19- 6-19	... Ins. 35/19	... Lawji Nanshi	26 10
19- 6-19	... P. & A. 51/19	... Re: Lawson	3 10

STATEMENT OF PETTY CASH DEPOSITS UNCLAIMED FOR
FIVE YEARS.—Contd.

Date.	Case No.	Parties.	Shs.	Cts.
23- 6-19	... Ins. 37/19	... Hussein Bux	73	20
23- 6-19	... P. & A. 52/19	... Re: A. G. Gulley	8	40
24- 6-19	... C.C. 973/19	... Caxton P. & P. v. Uganda and Congo Stores	10	00
1- 7-19	... C.C. 1194/19	... Allen & Hamilton v. J. B. Vander Weyer	10	00
2- 7-19	... Ins. 40/19	... Hemraj Narshibhai	23	10
2- 7-19	... C.C. 1211/19	... K. M. Patel v. J. D. Patel	10	00
2- 7-19	... D.R. 41/19	... Gandamal v. Wariam dass	50	00
3- 7-19	... C.C. 393/19	... A. C. Timothy D'Souza v. N. P. Jolly	120	00
4- 7-19	... C.C. 418/19	... Ali Khan v. Griffiths	144	00
5- 7-19	... C.C. 1117/19	... Campling v. Ridlier	20	00
8- 7-19	... D.R. 262/19	... Jagjivan Mawji v. Karamali	10	00
10- 7-19	... D.R. 431/19	... E. J. Cocker v. Cotlier & Colclough	16	00
10- 7-19	... C.C. 415/19	... Clarke v. Awad Awan	48	00
14- 7-19	... C.C. 163/19	... Purshottam v. Narshi Devji	23	80
15- 7-19	... D.R. 45/18	... Beliram Parimal v. Labh Singh	26	00
15- 7-19	... D.R. 50/19	... Dewa Singh v. Amershi Pashu	20	00
15- 7-19	... P. & A. 39/18	... Valibhai Hirji	10	00
15- 7-19	... D.R. 8/19	... London v. Block	30	00
15- 7-19	... C.C. 881/19	... Karamalli v. Jethalall	6	00
22- 7-19	... P. & A. 56/19	... Re: Blunt	8	40
25- 7-19	... Ins. 42/19	... Gaurishanker Govindji	13	20
25- 7-19	... S.C. 329/19	... Hirji Devshanker v. Muljibhai	10	00
25- 7-19	... P. & A. 42/18	... Re: Maganlall	8	40
29- 7-19	... C.C. 1046/19	... Laxmandass v. Joseph & Sons	25	00
30- 7-19	... P. & A. 57/19	... A. Baldwin	8	40
1- 8-19	... Ins. 43/19	... Kanji Meghji Maharaj	23	20
1- 8-19	... P. & A. 27/18	... Ahmed Mohamed Farah	8	40
5- 8-19	... C.C. 1491/19	... Fazal Din v. Ali Mulla	20	00
6- 8-19	... P. & A. 58/19	... Mohamed Din	21	60
11- 8-19	... C.C. 1481/19	... Khambatta & Sons v. Vande Weyer	10	00
11- 8-19	... C.C. 1398/19	... M. R. D'Souza & Co. v. V. Fernandes	10	00
11- 8-19	... C.C. 1136/19	... Meghji Ahamed & Co. v. Mrs. Brown	10	00
13- 8-19	... C.C. 1097/19	... Suleman Virji & Son v. Mangaldass	25	20
13- 8-19	... C.C. 1497/19	... Monji Narshi v. Hussein Bux	10	00
14- 8-19	... C.C. 945/19	... Boni Duali v. Abdi Aden	16	00
16- 8-19	... P. & A. 61/19	... Re: Panji Bola	20	00
16- 8-19	... C.C. 1454/19	... Gulam Hussein and others v. Joshi & Co.	10	00
16- 8-19	... P. & A. 59/19	... Elizabeth Sidaner	8	40
16- 8-19	... P. & A. 60/19	... I. M. Patrich	8	40
16- 8-19	... P. & A. 61/19	... Ramji Bola	11	60
16- 8-19	... Ins. 44/19	... Valibhai Pirbhai	33	20
18- 8-19	... C.C. 1128/19	... Khuda Bux v. Chirag Din	6	00
22- 8-19	... D.R. 38/19	... Walji Hirji v. Thakur Dass	6	00
23- 8-19	... D.R. 449/19	... Mulji Jetha v. Jadavji	20	00
23- 8-19	... C.C. 1487/19	... D. B. Desai v. Gulam Hussein	30	00
26- 8-19	... D.R. 368/19	... M. Raval v. V. T. Safi	52	00
27- 8-19	... D.R. 408/19	... Gaurishanker v. Manishanker	44	00
27- 8-19	... P. & A. 62/19	... G. H. Ulyate	8	40
28- 8-19	... D.R. 461/19	... Moynagh v. Hooker Stores	40	00
1- 9-19	... Ins. 45/19	... Adalat Beg	3	20
1- 9-19	... D.R. 45/18	... Beliram Parimal v. Labh Singh	20	00
1- 9-19	... P. & A. 63/19	... Mrs. Perceival	8	40
1- 9-19	... C.C. 1483/19	... Elmi Handula v. Thompson & Co.	4	00
3- 9-19	... D.R. 481/19	... Mrs. Anderson v. Imtiazali & Sons	45	00
4- 9-19	... D.R. 363/19	... Mulji Jetha v. Jadavji Walji	20	00
4- 9-19	... D.R. 45/18	... Beliram Parimal v. Labh Singh	20	00
9- 9-19	... Ins. 48/19	... Sharaf Din	39	60
9- 9-19	... P. & A. 65/19	... G. R. Bennet	8	40
10- 9-19	... D.R. 418/19	... Ali Khan v. Griffiths	36	00
10- 9-19	... P. & A. 66/19	... Yunis Jama	21	60
11- 7-19	... C.C. 1668/19	... Boustead & Clarke v. Knolleys	2	00
15- 9-19	... C.C. 1521/19	... Brahm v. Fernandes	10	00
16- 9-19	... P. & A. 67/19	... Nur Mohammed	8	40
16- 9-19	... Ins. 50/19	... Colonial Carriage Com. Co.	8	30
18- 9-19	... Ins. 51/19	... Timothy D'Souza	37	20
20- 9-19	... C.C. 1471/19	... Sharaf Din v. Miran Bux	10	00
20- 9-19	... C.C. 1601/19	... Karsaspe v. Obed Musleh	16	00
20- 9-19	... P. & A. 68/19	... N. D. Patel	8	40
22- 9-19	... C.C. 1608/19	... Bishendass & Son v. Sharaf Din	15	00
23- 9-19	... D.R. 473/19	... Hasham Lalji v. Walji Hirji	60	00

STATEMENT OF PETTY CASH DEPOSITS UNCLAIMED FOR
FIVE YEARS.—Contd.

Date.	Case No.	Parties.	Shs.	Cts.
23-9-19	... C.C. 152/15	... Radha Kishen v. Kirparam & Sons	30	00
27-9-19	... C.C. 1521/19	... Brahm v. Fernandes	26	00
27-9-19	... Ins. 21/19	... Re: Bhawan Rawji	30	00
27-9-19	... Ins. 49/19	... Valabhdass Harji	16	80
1-10-19	... P. & A. 70/19	... Re: Bhanoomalli Jhandoo	8	40
1-10-19	... D.R. 481/19	... In the matter of Mackenzie and Mrs. Anderson & Sons	60	00
1-10-19	... Cr. C. 1512/19	... General Manager, Uganda Railway v. Ramzan	4	00
4-10-19	... C.C. 1530/19	... A. G. V. D. Raichand	15	00
7-10-19	... D.R. 184/19	... Turlia v. Grogan	60	00
11-10-19	... D.R. 500/19	... Raphael v. Suleman Virji & Sons	41	00
11-10-19	... P. & A. 3/19	... Mrs. Dina Walker	8	40
13-10-19	... Ins. 53/19	... Kurji Mitha	8	40
14-10-19	... C.C. 1834/19	... Sunder Singh v. Narshi	51	00
15-10-19	... C.C. 1737/19	... Laxman Dass v. Gaya	30	00
15-10-19	... C.C. 1885/19	... Mohamed Sarfaraz Khan v. Pir Mohamed	16	00
15-10-19	... P. & A. 73/19	... N. B. Kenealy	8	40
17-10-19	... C.C. 1470/19	... Beliram v. Guranditta	10	00
17-10-19	... P. & A. 76/19	... Hasan	8	40
18-10-19	... C.C. 1741/19	... Gulam Kadir v. Miran Bux	6	00
21-10-19	... —	... Sub-Judge Borsed, India	10	00
21-10-19	... —	... M. Noor Ahamad, Jhelum, India	20	00
21-10-19	... P. & A. 77/19	... Alla Bux	8	40
21-10-19	... D.R. 513/19	... Mohammed Moti v. Imtiazali & Sons	10	00
27-10-19	... P. & A. 78/19	... J. V. Menezes	8	40
28-10-19	... C.C. 1911/19	... A. J. Mamuji v. Nathoo Ram	16	00
28-10-19	... D.R. 154/19	... Dewa Singh v. Alibhai Mawji & Sons	10	00
28-10-19	... P. & A. 79/19	... Noor Ilahi	8	40
28-10-19	... P. & A. 80/19	... Santa Singh	8	40
1-11-19	... C.C. 1321/19	... Mawji Karsangi v. Nathoo Mulji	60	00
1-11-19	... Ins. 58/19	... Karsandass Dahyabhai & Bros.	21	60
4-11-19	... P. & A. 81/19	... J. D. Saunders	11	60
5-11-19	... Cr. 1512/19	... Uganda Railway v. Ramzan	20	00
11-11-19	... Ins. 60/19	... John Abdi	41	60
13-11-19	... Ins. 61/19	... C. J. Patel	8	40
15-11-19	... D.R. 598/19	... Mrs. Souza v. Mrs. P. D'Souza	10	00
17-11-19	... C.C. 1643/19	... C. D'Souza v. Lobo	16	00
17-11-19	... C.C. 1975/19	... Premji Dharamsi & Co. v. Radhakishen	4	00
17-11-19	... P. & A. 83/19	... Mohammed Din	8	40
24-11-19	... C.C. 1385/19	... Mohamed Safraz Khan v. Pir Mohamed Khan	12	00
24-11-19	... C.C. 2117/19	... Shariff Abdulla v. Saif bin Tabit	4	00
24-11-19	... Ins. 64/19	... Saindass Bhavandass	17	60
24-11-19	... Ins. 65/19	... Mangaldass	4	50
24-11-19	... Ins. 59/19	... Miran Bux	3	20
28-11-19	... C.C. 2209/19	... W. H. Griess v. Moynagh	20	00
29-11-19	... Cr. C. 1830/19	... Wali Bux v. Jhanda	19	20
3-12-19	... P. & A. 39/18	... Walibhai Hirji	0	10
3-12-19	... P. & A. 85/19	... C. P. Monckton	0	10
3-12-19	... P. & A. 84/19	... Montgomerie	0	10
5-12-19	... C.C. 2117/19	... Shariff Abdulla v. Saif bin Thabit	4	00
9-12-19	... Cr. 1830/19	... Wali Bux v. V. Jhanda	4	00
9-12-19	... C.C. 2075/19	... Dveji Hirji & Co.	6	00
10-12-19	... P. & A. 51/19	... A. J. Lawson	8	50
12-12-19	... P. & A. 87/19	... Jivraj Dossa	0	10
12-12-19	... Cr. 1903/19	... Meher Suju	4	00
13-12-19	... D.R. 184/19	... A. Tarlton v. E. C. Grogan	2	00
15-12-19	... P. & A. 18/18	... Ramrakha	8	50
15-12-19	... P. & A. 17/18	... F. Miranda	8	50
15-12-19	... C.C. 549/19	... P. S. Gondhalihar	10	00
15-12-19	... —	... Raza Mohammed	15	00
15-12-19	... P. & A. 6/19	... Nasaoulla Khair	0	10
16-12-19	... Cr. 1818/19	... Elmi v. Saleh	8	00
16-12-19	... C.C. 2189/19	... Fakir Chand v. Miran Bux	19	60
16-12-19	... P. & A. 86/19	... Gopaldass Durgadass	8	60
16-12-19	... D.R. 184/19	... Turton	60	00
19-12-19	... Ins. 66/19	... Malik Raj Tulsi Ram	8	60
22-12-19	... P. & A. 38/19	... G. L. Wilkes	8	50
22-12-19	... C.C. 2511/19	... Gokalchand Isherdass	20	00
29-12-19	... —	... Deputy Secretary, Political Department, Bombay	7	50
30-12-19	... C.C. 60/18	... Ksu	80	00

Total Shs. 4,946 02

STATEMENT OF POLICE CASH DEPOSITS UNCLAIMED FOR
FIVE YEARS.

Date.	Case No.	Parties.	Shs. Cts.
4- 1-19	... C.C. 10/19	Maxwell Brady & Co. v. Von Otter	20 00
4- 1-19	... C.C. 14/19	Maxwell Brady & Co. v. Allenborough	10 00
4- 1-19	... C.C. 5/19	Roy & Haartz v. Trever Sheen	10 00
9- 1-19	... C.C. 2282/18	S. Jacobs & Co. v. Baron von Blixen	2 00
10- 1-19	... C.C. 1470/17	Santos v. Moonesamy	2 00
13- 1-19	... C.C. 2484/18	Dustpan v. Premji Virji	2 00
13- 1-19	... C.C. 305/18	Atkinson v. Atkinson	10 00
18- 1-19	... C.C. 107/19	Maxwell Brady & Co. v. J. Benham	10 00
18- 1-19	... C.C. 108/19	Maxwell Brady & Co. v. Hinde	10 00
20- 1-19	... C.C. 696/18	Vaghji Kalyanji & Son v. Budha Ramzan	2 00
21- 1-19	... C.C. 129/19	Maxwell Brady & Co. v. Kenealy	15 00
23- 1-19	... C.C. 147/19	J. A. Nazareth v. Findlay	2 00
23- 1-19	... C.C. 154/19	Gailey Roberts v. Garland	15 00
23- 1-19	... C.C. 159/19	Motor Mart v. Baron Blixen	10 00
25- 1-19	... C.C. 169/19	I. Tete v. Findlay	10 00
28- 1-19	... C.C. 1705/18	Mohamed Jiva v. D. J. Patel	4 00
28- 1-19	... C.C. 194/19	Bhawanishanker v. Yates	10 00
28- 1-19	... C.C. 191/19	W. Burkitt v. Peter Smith	10 00
28- 1-19	... C.C. 190/19	Dustpan v. Mrs. Alexander	15 00
28- 1-19	... C.C. 189/19	Dustpan v. Sykes	10 00
28- 1-19	... C.C. 188/19	Dustpan v. Paterson	10 00
28- 1-19	... C.C. 183/19	C. D'Souza v. Seth	2 00
28- 1-19	... C.C. 1850/18	D. Greenslade v. D. Brown	2 00
30- 1-19	... C.C. 205/19	Button v. Bishop Perlo	15 00
3- 2-19	... C.C. 2240/18	Elmi Yusuf v. Moosa Elmi	10 00
4- 2-19	... C.C. 220/19	A. M. Jeevanji v. Yates	20 00
5- 2-19	... C.C. 228/19	Baburam Hariram & Bros. v. Jenkins	10 00
6- 2-19	... C.C. 239/19	Goldberg & Co. v. Parker	15 00
7- 2-19	... C.C. 149/19	J. A. Nazareth v. T. Bramwell	2 00
7- 2-19	... C.C. 247/19	Anglo Baltic Timber v. Boyes	15 00
10- 2-19	... C.C. 257/19	B.E.A. Saw Mills v. Judd	15 00
12- 2-19	... C.C. 248/19	Maxwell Brady & Co. v. Hall	15 00
13- 2-19	... C.C. 289/19	E.A. Cycle Mart v. Green	15 00
14- 2-19	... D.R. 59/19	Norfolk Hotel v. Baron Otter	34 00
21- 2-19	... D.R. 78/19	Coverdale v. Watts	10 00
21- 2-19	... C.C. 333/19	Boma Trading Co. v. Jessel	20 00
22- 2-19	... C.C. 104/19	Maxwell Brady & Co. v. Baron Blixen	10 00
25- 2-19	... C.C. 355/19	Equator Saw Mills v. Stocker	10 00
25- 2-19	... C.C. 347/19	C. M. Patel v. Puviani	10 00
26- 2-19	... C.C. 57/18	Maula Bux v. Mabert	2 00
26- 2-19	... C.C. 372/19	D. Mackinnon v. Hon. Cole	15 00
26- 2-19	... C.C. 369/19	Alidina Visram v. Yates	15 00
28- 2-19	... C.C. 231/19	Ali Khan v. Baron Blixen	10 00
3- 3-19	... C.C. 394/19	J. L. Cameron v. Dickson	10 00
4- 3-19	... C.C. 400/19	Norfolk Hotel v. Bingham	10 00
5- 3-19	... C.C. 413/19	Allen & Goodman v. Goldberg	2 00
8- 3-19	... C.C. 1589/18	Alidina Visram v. Green	10 00
10- 3-19	... C.C. 434/19	A. Alidina Visram v. J. Worbery	10 00
10- 3-19	... C.C. 435/19	A. Alidina Visram v. Watson	10 00
11- 3-19	... C.C. 219/19	Karsan Mulji v. John Abdi	2 00
11- 3-19	... C.C. 1998/18	J. Hutson v. Miller	2 00
11- 3-19	... C.C. 1788/18	Lachmandass v. Sivji Karsan	2 00
14- 3-19	... C.C. 244/19	The Highland Pastural Co., Ltd. v. Dr. Hannigan	15 00
14- 3-19	... C.C. 1259/18	Puran Singh v. C. Haller	2 00
14- 3-19	... C.C. 2269/18	Rebello v. Yates	10 00
14- 3-19	... C.C. 194/19	B. Shanker v. Yates	10 00
19- 3-19	... C.C. 487/19	The Dustpan v. Mrs. Blain	15 00
19- 3-19	... C.C. 486/19	The Dustpan v. Smith	10 00
20- 3-19	... C.C. 369/19	A. Visram v. Yates	15 00
21- 3-19	... C.C. 495/19	Boma Trading Co. v. G. Knapp	15 00
27- 3-19	... C.C. 572/19	Merali v. Ambalal Patel	10 00
28- 3-19	... C.C. 599/19	J. A. Framji v. A. B. Phillips	2 00
3- 4-19	... C.C. 231/19	Ali Khan v. Baron Blixen	10 00
3- 4-19	... C.C. 631/19	Alidina Visram v. Roy	2 00
4- 4-19	... C.C. 394/19	J. E. Cameron v. C. J. Dickson	2 00
5- 4-19	... C.C. 641/19	The Dustpan v. G. Knapp	10 00
5- 4-19	... C.C. 2172/18	Rambhai Dahyabhai & Co. v. Silverthorn	2 00
5- 4-19	... C.C. 644/19	The Dustpan v. Drew	10 00
5- 4-19	... D.R. 215/19	The Dustpan v. Vande Weyer	15 00
7- 4-19	... C.C. 653/19	Jaffer Alibhai v. Roques	2 00

STATEMENT OF POLICE CASH DEPOSITS UNCLAIMED FOR
FIVE YEARS.—Contd.

<i>Date.</i>	<i>Case No.</i>	<i>Parties.</i>	<i>Shs. Cts.</i>
7- 4-19	... C.C. 660/19	... Karmalli v. Hellon Cafe ...	10 00
8- 4-19	... D.R. 72/18	... Samson Moses v. Cross ...	10 00
8- 4-19	— 10/19	... A. Visram v. Choudri Sulttan Ahamed ...	20 00
11- 4-19	... C.C. 2244/19	... J. J. Ghandy v. Shobhan Walli ...	2 00
11- 4-19	—	... H. C. Coverdale v. Stuart & Co. ...	15 00
25- 4-19	... C.C. 1657/18	... C. Ahlfeldt v. Mackinlay ...	10 00
28- 4-19	... C.C. 183/19	... Makalia, Ltd. v. Baron Blixen ...	26 00
29- 4-19	... C.C. 656/19	... S. M. Antao v. Mrs. McLumm ...	2 00
1- 5-19	... C.C. 872/19	... Mulji Odhavji & Bros. v. Bhutt Bros. ...	10 00
1- 5-19	... C.C. 878/19	... Gailey & Roberts v. Lewis ...	10 00
1- 5-19	... C.C. 400/19	... Norfolk Hotel v. Bingham ...	10 00
6- 5-19	... C.C. 928/19	... F. F. C. Winder v. H. G. Cullinan ...	15 00
8- 5-19	... C.C. 950/19	... M. P. Umrigar v. D. W. Noble ...	2 00
15- 5-19	... C.C. 1036/19	... Norfolk Hotel v. Englebrecht ...	15 00
15- 5-19	... C.C. 631/19	... A. Visram v. Crystal Springs Co. ...	2 00
15- 5-19	... C.C. 878/19	... Gailey & Roberts v. Lewis ...	2 00
15- 5-19	... C.C. 782/19	... W. R. Saul v. Enjor ...	15 00
16- 5-19	... C.C. 1044/19	... B. Choitram v. R. Stevenson ...	2 00
16- 5-19	... C.C. 1045/19	... B. Choitram v. Mrs. Buttler ...	2 00
16- 5-19	... C.C. 1056/19	... Ch. Saroglia v. E. C. King ...	2 00
21- 5-19	... C.C. 1822/17	... Ali Khan v. Moonesamy ...	2 00
26- 5-19	... D.R. 59/19	... E.A. Uganda Corporation v. Baron Otter ...	15 00
26- 5-19	... C.C. 419/19	... Ramrattan Saligram v. V. B. Sharma ...	10 00
27- 5-19	... C.C. 1134/19	... Dumasia v. Williams ...	10 00
27- 5-19	... C.C. 1135/19	... Meghji Ahamed & Co. v. Mrs. Sullivan ...	2 00
27- 5-19	... D.R. 32/19	... S. J. Patel v. Jamnadass and others ...	4 00
27- 5-19	... C.C. 1407/18	... P. J. H. Lewis v. M. A. Kadir ...	2 00
2- 6-19	... C.C. 1169/19	... A. Visram v. Jussell ...	2 00
5- 6-19	... C.C. 1180/19	... Charles Wm. Hurst v. Norfolk Hotel ...	2 00
5- 6-19	... C.C. 1182/19	... Foster & Co. v. A. G. Hutchion ...	2 00
5- 6-19	... C.C. 762/19	... E.A. Standard, Ltd. v. Nairobi Electric Light Co. ...	18 00
6- 6-19	... C.C. 411/19	... Ranchodhbhai Devjibhai v. Beliram Bishendass ...	2 00
10- 6-19	... C.C. 145/18	... Narshi Devji v. Baretta ...	2 00
10- 6-19	... C.C. 649/19	... Attar Singh v. Chattar Singh ...	10 00
13- 6-19	... C.C. 536/19	... Equator Saw Mills v. Thakur Dass ...	2 00
14- 6-19	... C.C. 488/19	... Gangaram Isherdass v. Alla Ditta ...	2 00
16- 6-19	... C.C. 1296/19	... Hassanalli Gulam Hussein v. A. Marwal ...	2 00
19- 6-19	... D.R. 236/19	... Ismail Janmohamed & Co. v. Allenborough ...	2 00
3- 6-19	... C.C. 496/19	... Daulat Ram v. Jevantlal ...	4 00
24- 6-19	... C.C. 183/19	... C. C. D'Souza v. H. B. Seth ...	8 00
24- 6-19	... C.C. 1351/19	... Karmali v. Oakley ...	10 00
24- 6-19	... C.C. 943/19	... Nemchand v. Paggett ...	2 00
24- 6-19	... C.C. 1543/18	... Merali Remtulla v. Bhanji Virji ...	2 00
24- 6-19	... C.C. 219/19	... Karsan Mulji & Co. v. John Abdi ...	2 00
1- 7-19	... C.C. 1376/19	... Jacobs & Co. v. Benham ...	10 00
3- 7-19	... D.R. 411/19	... Saleh Mohamed v. Baron and Baroness von Blixen ...	15 00
4- 7-19	... C.C. 418/19	... Ali Khan v. Griffiths ...	30 00
4- 7-19	... C.C. 1411/19	... L. Barrallon v. Rosenrode ...	2 00
4- 7-19	... C.C. 1412/19	... L. Barrallon v. Safi ...	2 00
7- 7-19	... C.C. 1132/19	... Mrs. Timothy v. Santos ...	2 00
7- 7-19	... C.C. 1067/19	... Laloo v. Santos ...	2 00
9- 7-19	... D.R. 427/19	... Walji Hirji & Sons v. Sunder Singh ...	15 00
9- 7-19	... C.C. 863/19	... S. A. Bhatt v. D'Silva ...	2 00
9- 7-19	... C.C. 1230/19	... Macrae v. Greenslade ...	2 00
9- 7-19	... C.C. 1133/19	... Esmail Hassan v. Kassam Ibrahim ...	2 00
24- 7-19	... C.C. 649/19	... Attar Singh v. Chattar Singh ...	2 00
24- 7-19	... C.C. 1230/16	... A. F. Macrae v. D. Greenslade ...	2 00
26- 7-19	... D.R. 452/19	... E.A. & Uganda Corporation v. Baron Blixen ...	15 00
28- 7-19	... C.C. 1503/19	... Wardle & Co. v. Baron Blixen ...	10 00

STATEMENT OF POLICE CASH DEPOSITS UNCLAIMED FOR
FIVE YEARS.—Contd.

<i>Date.</i>	<i>Case No.</i>	<i>Parties.</i>	<i>Shs. Cts.</i>
28- 7-19	... C.C. 399/19	... Mrs. Playfair v. Gurdial Ram ...	2 00
28- 7-19	... D.R. 125/19	... Executors of R. & L. E. Nieson v. H. W. Stroud	15 00
29- 7-19	... R.C. 1513/19	... L. Gorringe v. Mrs. Windinga	10 00
29- 7-19	... D.R. 409/19	... Saleh Mohamed v. Baron and Baroness von Blixen	2 00
30- 7-19	... D.R. 124/19	... Tribhavan Motichand v. F. D'Silva	2 00
31- 7-19	... C.C. 458/19	... Hogg v. Baron Blixen	15 00
31- 7-19	... C.C. 1222/19	... Gangaram Isherdass v. Gulam Mohammed	2 00
31- 7-19	... C.C. 608/19	... Mohamed Ali v. Rego	2 00
2- 8-19	... C.C. 1525/19	... R. W. Burkitt v. Singer	15 00
5- 8-19	... D.R. 464/19	... Beliram Parimal v. Wander Weyer	15 00
6- 8-19	... C.C. 1556/19	... A. A. Visram v. Lombard	10 00
8- 8-19	... D.R. 471/19	... Chirag Din v. R. E. Watcham	15 00
8- 8-19	... C.C. 265/19	... Mackinnon Bros. v. Baron Blixen	25 00
12- 8-19	... C.C. 2032/18	... Rammall & Sons v. Kishenchand and others	10 00
12- 8-19	... D.R. 473/19	... Motor Mart & Exchange v. Trever Sheen	13 00
16- 8-19	... D.R. 475/19	... Rainbow v. Major Riddell	28 00
25- 8-19	... D.R. 484/19	... Maluke wa Nihelkilla v. Mrs. R. S. Watt	11 00
26- 8-19	... C.C. 1723/19	... Victoria Hotel v. Dickson	10 00
27- 8-19	... D.R. 456/19	... Lachmandass Deviditta v. Dahyalal and Asharam	10 00
1- 9-19	... C.C. 1756/16	... Mrs. Roberts v. Ekman	15 00
3- 9-19	... C.C. 1784/19	... Uttam Singh v. Bowring	15 00
8- 9-19	... C.C. 1810/19	... Lena Moskow v. Lily Smith	10 00
9- 9-19	... D.R. 518/19	... Walji Hirji & Sons v. Narshi Hansraj & Co.	2 00
11- 9-19	... Nku. 12/15	... Tunstal v. Lal Singh	2 00
16- 9-19	... D.R. 527/19	... Walji Hirji v. Hasham	15 00
20- 9-19	... C.C. 1876/19	... Newland Tarlton & Co. v. Lewis	10 00
24- 9-19	... C.C. 1906/19	... Barnes & Udall v. R. O. F. Otter	10 00
1-10-19	... C.C. 1527/19	... Burkitt v. Capt. Otter	10 00
8-10-19	... C.C. 1560/19	... Rahim Qurim v. Robbin	10 00
13-10-19	... C.C. 1323/19	... Boma Trading Co. v. S. Mellor	2 00
15-10-19	... Nku. D.R. 8/19	... Sher Singh v. Saindass	15 00
15-10-19	... D.R. 60/19	... H. M. Mody v. Thakurdass and Mangaldass	2 00
18-10-19	... D.R. 24/18	... Nerumal v. Englebrecht	30 00
21-10-19	... D.R. 470/19	... Souza Junior & Dias v. Santos	2 00
25-10-19	... C.C. 2113/19	... J. Marcus v. G. S. Watts	15 00
29-10-19	... C.C. 1727/29/19	... Abdulla, Shad Mohamed & Nabi Bux v. J. S. Watt	15 00
30-10-19	... D.R. 473/19	... Motor Mart & Exchange v. Trever Sheen	15 00
30-10-19	... C.C. 1668/19	... Boustead & Clarke v. Knolleys	2 00
1-11-19	... D.R. 430/19	... Crystal Springs Aerated Water Co. v. J. F. Smith	15 00
3-11-19	... C.C. 581/19	... Ligona Flour Mills v. Mackenzie	30 00
12-11-19	... D.R. 596/19	... F. A. Vas v. W. McAllister	13 00
13-11-19	... C.C. 1977/19	... R. W. Burkitt v. Trever Sheen	2 00
20-11-19	... D.R. 601/19	... Walibhai Hasham & Co. v. Como Coffee Estate	30 00
20-11-19	... C.C. 2330/19	... Walibhai Hasham & Co. v. Chania Bakery	10 00
20-11-19	... C.C. 2331/19	... Walibhai Hasham & Co. v. Jessel	10 00
20-11-19	... C.C. 2333/19	... Walibhai Hasham & Co. v. Trever Sheen	8 00
27-11-19	... C.C. 1906/19	... Barnes & Udall v. R. O. F. Otter	10 00
28-11-19	... C.C. 2375/19	... Victoria Hotel v. C. R. Saunders	2 00
28-11-19	... C.C. 2373/19	... Victoria Hotel v. E. A. Arnoldi	10 00
2-12-19	... C.C. 2399/19	... E.A. Standard, Ltd. v. J. E. Arjuleyu	2 00
10-12-19	... C.C. 2136/19	... Nauria Ram & Sons v. Major Riddell	2 00
12-12-19	... C.C. 619/19	... E.A. & Uganda Corporation v. B. Clutterbuck	13 00
13-12-19	... C.C. 2189/19	... Fakir Chand v. Miran Bux	2 00
18-12-19	... C.C. 2255/19	... Allen & Hamilton v. J. Walsh	2 00
22-12-19	... C.C. 2509/19	... T. Thrope v. J. L. Frank	10 00
24-12-19	... C.C. 2522/19	... A. A. Visram v. F. G. Johnson	2 00
30-12-19	... Ksu. 60/18	... Magan Jetha v. Noor Mohamed & Mohan	2 00

Total Shs. 1,674 00

GENERAL NOTICE NO. 42.

HIS MAJESTY'S SUPREME COURT OF KENYA,

AND

RESIDENT MAGISTRATE'S COURT AT NAIROBI.

To all to whom it may concern.

TAKE NOTICE that the matters set out in the Schedule hereto stand credited in the books of above Courts with the respective sums set out in the said Schedule.

Any person claiming to be entitled to any sum so credited should apply to the respective Court for payment out of the same.

Any sum not claimed on or before the 31st day of March, 1925, will be paid into the Government Revenues of this Colony.

Nairobi,

2nd January, 1925.

E. J. O'FARRELL,
Acting Registrar,
Supreme Court of Kenya.

STATEMENT OF LEGAL DEPOSITS UNCLAIMED FOR FIVE YEARS.
(1924).

<i>Original Date of Deposit.</i>	<i>Case No.</i>	<i>Parties.</i>	<i>O.I.L.F.</i>	<i>N.L.F.</i>	<i>Amount.</i>
					Shs. Cts.
21- 3-18 ...	Ins. 1/08	... Re: Shariff Abdulla	... 296	... 16 ...	47 38
24- 9-19 ...	C.C. 148/18	... Nawab Din v. Hussein Bux	... 299	... 17 ...	176 00
16- 1-19 ...	C.C. 619/18	... Bhagwanji Monji v. Purshotam Devji	305	... 17 ...	1 98
27- 3-19 ...	D.R. 185/18	... Sobharani v. Cockrane	... 305	... 17 ...	28 00
27- 3-19 ...	D.R.D.R. 180/18	... M. A. Vicaray v. Cockrane	... 306	... 17 ...	28 00
1- 8-19 ...	D.R. 143/18	... Dost Mohammed Bros. v. Choudry Sultan Ahamed	... 307	... 18 ...	200 00
20- 3-19 ...	C.C. 170/18	... Nauria Ram v. Shivdial Bishendass	307	... 18 ...	54 34
15- 3-19 ...	C.C. 2258/18	... Sultan bin Juma v. Shimba bin Fazi	308	... 19 ...	70 00
3- 3-19 ...	C.C. 1077/18	... Fateh Jivraj, Defendant	... 309	... 19 ...	55 00
29- 5-19 ...	C.C. 923/18	... Sunder Singh v. Nawab Din	... 309	... 19 ...	53 50
18-10-19 ...	C.C. 153/19	... Jagat Singh v. Karim Bux	... 310	... 19 ...	136 70
13- 5-19 ...	D.R. 154/19	... Dewa Singh v. Alibhai Mawji & Sons	310	... 20 ...	24 86
2- 6-19 ...	C.C. 64/19	... B. Fernandes v. John Abdi	... 311	... 20 ...	48 48
11- 8-19 ...	C.C. 2257/18	... Mrs. C. Gaurie v. R. N. Jolly	... 311	... 20 ...	680 74
23- 6-19 ...	C.C. 784/19	... Hussain Bux v. Mela Singh	... 312	... 20 ...	66 50
7- 8-19 ...	C.C. —	... District Commissioner v. L. N. Chopra	... 313	... 21 ...	54 54
29- 8-19 ...	D.R. 138/15	... J. A. Macrae v. R. Oakley	... 313	... 21 ...	58 50
4-12-19 ...	C.C. 1148/19	... Harnam Singh v. Sadhoe Singh	... 315	... 22 ...	5 42
10-12-19 ...	C.C. 1385/19	... Mohammed Shariff Rae Khan v. Pir Mohammed Khan	... 315	... 22 ...	28 28
19-12-19 ...	C.C. 2075/19	... Devji Hirji v. Vaghji Kalyanji	... 316	... 22 ...	78 00
11- 7-19 ...	C.C. 12/19	... Mohan Lall v. Paltanwala	... 353	... 40 ...	200 00
Total Shs.					2,096 22

GENERAL NOTICE No. 43.

NOTICE.

Licence issued under Section 3 (1) of the Beer Ordinance, 1923.

No.	Name.	Premises.	Date of Expiry.
1	Kenya Breweries, Limited.	Brewery at Ruaraka near Nairobi.	31st Dec., 1925.

Customs House,
Mombasa, 10th January, 1925.G. WALSH,
Commissioner of Customs, Kenya and Uganda.

GENERAL NOTICE No. 44.

NYANZA PROVINCE.

LABOUR AGENTS' PERMITS ISSUED DURING THE MONTH OF DECEMBER, 1924.

No. of Permit.	To whom issued.	Date of receipt.	Date of commencement.	Date of expiration.
603	J. Maxwell	3rd Dec., 1924	29th Oct., 1924	28th Jan., 1925
604	Miran Bux	11th " "	2nd Dec., "	1st Mar., "
605	J. L. Riddock	13th " "	12th Sept., "	11th Dec., 1924
606	do	18th " "	11th Dec., "	10th Mar., 1925
607	Morgan Bros.	30th " "	21st " "	20th " "
608	Ghulam Mohamed	22nd " "	13th " "	12th " "

Kisumu,
January 6th, 1925.R. W. HEMSTED,
Senior Commissioner, Nyanza.

SHIPPING REPORT.

KILINDINI HARBOUR.

MONTH OF DECEMBER, 1924.

Name of Vessel	Captain	Gross Tons	Cargo	Nationality	To Whom Consigned	From	Date		Bound to
							Arr.	Dep.	
S.S. Matiana	Langlands	8965	General	British	S. M. & Co.	London	1924 Nov. 27	1924 Dec. 3	Beira
„ Madura	S. G. Cave	8975	„	„	S. M. & Co.	Beira	„ 28	„ 1	London
„ Hortensius	H. W. Thomas	3472	„	„	The A. Mercantile Co., Ltd.	Beira	„ 29	„ 4	Liverpool
„ Karapara	V. O. Bennehr	7117	„	„	S. M. & Co.	Durban	Dec. 2	„ 3	Bombay
„ A. R. Garros	Lacanand	4760	„	French	M. Maritimes	Marseilles	„ 2	„ 2	Mauritius
„ Klipfontein	D. Vauden Eut	7063	„	Dutch	The Twentsche Overseas Trading Co.	Amsterdam	„ 2	„ 5	Amsterdam
Stanley Hall	H. Lloyd	4144	„	British	The A. Mercantile Co. Ltd.	Liverpool	„ 4	„ 18	Beira
„ Karoa	D. Macdonald	7009	„	„	S. M. & Co.	Bombay	„ 5	„ 6	Durban
Norman	W. M. Betts	7613	„	„	The U. C. Mail S/S Co., Ltd.	London	„ 6	„ 10	Durban
„ Meliskerk	H. C. Berkhand	5919	„	Dutch	The Twentsche Overseas Trading Co.	Amsterdam	„ 7	„ 11	Amsterdam
„ Lady Denison Pender	G. W. West	1984	„	British	The E. and S. African Tel.	Zanzibar	„ 11	„ 12	High Seas
„ Porto di Savona	Vatteroni	4195	„	Italian	The Societa Coloniale Italiana	Genoa	„ 12	„ 13	Zanzibar
„ Blitar	Van Hantein	7073	„	Dutch	The Twentsche Overseas Trading Co.	Amsterdam	„ 15	„ 20	Amsterdam
„ Porto di Savona	Vatteroni	4195	„	Italian	The Societa Coloniale Italiana	Zanzibar	„ 16	„ 17	Genoa
„ Azay le Rideau	Collegnon	7989	„	French	M. Maritimes	Marseilles	„ 16	„ 16	Madagascar
„ Chambord	Lazarini	7563	„	„	M. Maritimes	Madagascar	„ 17	„ 17	Marseilles
„ Khandalla	J. F. Downing	7018	„	British	S. M. & Co.	Durban	„ 17	„ 18	Bombay
„ Karagola	A. E. Oliver	7053	„	„	S. M. & Co.	Bombay	„ 20	„ 21	Durban
„ Clan Maciver	A. D. Turton	4606	„	„	The A. Mercantile Co., Ltd.	Liverpool	„ 21	... Still in harbour	
„ Mulbera	W. R. Steadman	9100	„	„	S. M. & Co.	London	„ 22	„ 24	Beira
„ Tregantle	Stanbury	4324	„	„	The Magadi Soda Co., Ltd.	Columbo	„ 25	... Still in harbour	
„ Matiana	Langlands	8965	„	„	S. M. & Co.	Beira	„ 25	„ 30	London
„ Surat	V. Harper	4451	Coal	„	East African Lighterage Co.	Durban	„ 26	... Still in harbour	
„ Gloucester Castle	C. B. Imlah	7999	General	„	The U. C. Mail S/S Co., Ltd.	London	„ 27	„ 30	London
„ General Duchesne	Pally	7289	„	French	M. Maritimes	Marseilles	„ 29	„ 30	Mauritius
„ Karoa	D. Macdonald	7009	„	British	S. M. & Co.	Durban	„ 30	„ 30	Bombay
„ Wangoni	F. Jantzen	7778	„	German	Boustead & Clarke Ltd.	Hamburg	„ 30	... Still in harbour	
„ Randfontein	Nijtsmo	5653	„	Dutch	The Twentsche Overseas Trading Co.	Amsterdam	„ 31	... Still in harbour	

LAID-UP SHIPS.

S.S. Calicut	..	273	...	British	The E. I. S. Navigation Co.,	Dar-es-Salaam	1922 Nov. 15
„ Cannanore	...	275	...	„	„	„	1923 Apr. 13
„ Penguin	...	123	...	„	The U. C. Mail S/S Co., Ltd.	„	1924 Nov. 22

MOMBASA HARBOUR.

S.S. Duplex	R. J. Gilchrist	874	General	British	The Kampala G. Agency Ltd.	Zanzibar	1924 Dec. 2	1924 Dec. 3	Kismayu
M.V. Dumra	W. Wigger	2304	„	„	S. M. & Co.	Lindi	„ 6	„ 11	Lindi
S.S. Duplex	R. J. Gilchrist	874	„	„	The Kampala G. Agency Ltd.	Kismayu	„ 9	„ 9	Tanga
do	do	874	„	„	do	Zanzibar	„ 13	„ 15	Kismayu
do	do	874	„	„	do	Kismayu	„ 21	„ 22	Zanzibar
M.V. Dumra	W. Wigger	2304	„	„	S. M. & Co.	Mikindani	„ 27	... Still in harbour	
S.S. Duplex	R. J. Gilchrist	874	„	„	The Kampala G. Agency Ltd.	Zanzibar	„ 29	„ 29	Kismayu

H. W. TURNER,
Port Captain.