

EAST AFR. PROT

16401

HECC  
Recd 29 MAR 17

16401

63

Gray L.

Effects of late J. G. Currie

1917

20th Oct.

Col in S. Arabia

Last previous Paper.

Enquires whether post will make good the loss

6/31627  
16

(1/2 list)

W. S. Osborne Smith

Would you please advise?

Is the Administrator General liable because, not being able to recover against war risks with the Post Office, he got sent the goods by parcel post & not as cargo?

[The mail was transhipped into the "Arabia" at Aden, but nothing can turn on that.]

If no blame attaches to the A. G. for not insuring against war risks, the legal personal representative must enter a claim against the German Govt.?

Recd. 30. 3. 17

I should be pleased to deal with you if you would deal with me  
OS. 21/3/17

Chris & cons 11 April 17

Recd

5/21299

The solicitor shall, in the first place, be  
required to state, with particularity, the  
grounds on which he may have a claim  
against the Govt, whether H. M. Govt. or  
the Govt of the E. A. P.

In forwarding the parcel of effects <sup>sent</sup> to  
to Mr. R. H. Curzon, the Adm. Genl. appears  
to have desisted from his claim presented  
for him by the latter portion of s. 114 of  
The Administrator General's Ordinance 1909,  
of which a copy is annexed. But he would  
seem to be protected by the provisions in  
the middle of s. 3(5) of the same Ordinance.

Oct. 2/4/07.

Deft is a parcel of his to come  
with the same

Oct 2/4/07 a form

SANCTIONED.

1909.



131  
REC'D  
REC'D 10

East Africa Protectorate.

IN THE NINTH YEAR OF THE REIGN OF

64

HIS MAJESTY KING EDWARD VII.

SIR EDOUARD PERCY CRANWILL GIROUARD,  
K.C.M.G., D.S.O., R.E.

An Ordinance to make provision for the appointment of an Official Administrator of Intestate Estates and to define the power and duties of such Officer:

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof

1. This Ordinance may be cited as "The Administrator General's Ordinance 1909."

2. In the interpretation of this Ordinance the following terms shall unless the context otherwise indicates have the meanings set against them respectively that is to say:

"Estate" shall mean all freehold and leasehold land, and chattable real, and all goods, chattels, moners, choses in action and other property whatsoever

"Administrator General" shall mean the Administrator of Intestate Estates appointed under this Ordinance

"Agent" shall mean an agent of the Administrator General duly appointed as provided in Section 3 of this Ordinance

"Prescribed" means prescribed by any Rules and Regulations to be made under this Ordinance

"Court" shall mean the High Court of the East Africa Protectorate

"European Officer" shall mean person of European or American origin in the public service of the Protectorate

"Taxing Officer" shall mean the Registrar of the High Court or an officer duly appointed to act for such officer

"Immovable Property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth.

"Movable Property" shall mean property of every description except immovable property

3. (1) It shall be lawful for the Governor to appoint some fit and proper person to be Administrator General.

Administrator General of Intestate Estates

(2) The Administrator General shall appoint such person or persons as he shall think fit to act as his agents in the managing collecting and getting in of property belonging to the deceased person whose estates are in course of administration by him. Such agents shall in all respects act in the management collection and getting in of such property under the direction of the Administrator General, who shall not be answerable for any act or omission of any agent not in conformity with such direction or which shall not have happened by the Administrator General's own fault or neglect. Every agent shall find security to the satisfaction of the Administrator General for the performance of his duty. Agents shall be remunerated either by salary or by such fees or portion thereof chargeable under this Ordinance as the Governor in Council shall fix.

Seals by the Registrar  
Administrator  
General

Office of Administrator  
for District of Columbia

Administrator  
General or his  
Special Agent  
for and in  
performance of  
his duty

Administrator  
General or his  
Special Agent  
for and in  
performance of  
his duty

Subscribed  
No executor

Renounced by  
executors

Probate not obtained  
within six  
months

Administrator  
General appointed  
with will

Executors have  
refused to give  
an application

(3) In all proceedings under this Ordinance and in all proceedings at law the Administrator General shall sue and be sued by the name of "the Administrator General" and it shall be necessary to state and to prove his authority and title in the specific Estate to which the proceedings may relate, but not his general authority or appointment.

(4) Whenever the Office of Administrator General shall become vacant by the death or removal or absence from the Protectorate of the Administrator General for the time being and another officer shall be appointed to that office during the pendency of any petition, action, suit or other proceeding, such petition, action, suit or other proceeding shall not abate or become defective, but shall be continued by or against the officer newly appointed.

(5) Neither the Administrator General nor any agent shall be personally liable to any person in respect of goods or chattels in the possession at the time of his death of any person whose Estate shall be administered by the Administrator General, which shall be sold by the Administrator General or such agents unless the Administrator General or agent shall know or have actual notice before the sale that such goods or chattels were not in fact the property of the person whose Estate is being administered by him, and generally neither the Administrator General nor any agent shall be liable for any act done by him bona fide in the supposed and intended performance of their duties unless it shall be shown that such act was done not only illegally, but wilfully or with gross negligence. Provided always that in case of any sale by the Administrator General or any Agent of goods or chattels belonging in fact to any third person the amount realized by such sale thereof shall be paid over to the owner upon proof by him of such ownership unless the same shall have already been applied in payment of the debts of the deceased or shall have been distributed according to any will of the deceased in the ordinary course of administration whilst the Administrator General or Agent was in ignorance and without actual notice of the claim of such person to the goods or chattels sold.

The Administrator General shall cause inquiry to be made as to the Estates of all deceased persons possessed of or entitled to any property inmovable or movable within this Protectorate; and after receiving information

that any such person died a testator, or that the deceased leaving made a will devising or bequeathing his estate has omitted to appoint an executor, or

that the person or persons named as executor or executors in the will have renounced probate thereof, or

that probate or letters of administration with the will annexed has not been obtained within six months from the death of the testator, or

that the deceased be named the Administrator General as sole executor of his will

he may apply to the High Court for an order to cause him to administer the Estate of such deceased person.

5. The Administrator General shall serve a notice of his intention to apply for such order upon all executors and next of kin of the deceased known to him to be resident in the Protectorate, and shall cause such notice to be published in the "Official Gazette" and to be posted in a conspicuous place at the High Court and after the expiration of fourteen days from the date of such publication and posting he shall apply to the High Court by an order to administer the estate of such deceased person, and the said Court shall, if satisfied by affidavit that the case is within the provision of this Ordinance, make such order upon the petition of the Administrator General accordingly, which order when made, shall give to the Administrator General the same power over all the estate whatsoever situated or left of the deceased person, except as hereby enacted, as he would have had if letters of administration of such estate had been granted

to him, subject nevertheless to any orders which may from time to time be made by the Court on petition as hereinafter mentioned touching the same of the administration thereof; provided always that the Court may order such further notice as it may think fit to be given before making such order.

6. The Administrator General may at any time after the death of any deceased person without any previous notice obtain an order to administer the estate of such person, where the High Court shall be satisfied by affidavit that the estate of any party thereof will otherwise be probably prejudicially destroyed or damaged, or that great expenses will be incurred by delay in the matter.

7. Notwithstanding any order which shall have been made with respect to the Administrator General to administer under this Ordinance, the High Court may grant probate of the will or letters of administration of the Estate of any deceased person to any person in any manner and subject to such limitations and conditions as such Court shall think proper, and an application for such grant shall be made within seven days after the date of the application for such order, and such application shall have been left at the Office of the Administrator General. When such grant shall have been obtained, then immediately after the date of probate, the rights and claims of the Administrator General in respect of the estate affected by such grant, and all liabilities of the Administrator General in respect of any contract or agreement entered into by him in relation to such estate or any part thereof, shall cease, and such portion of the estate as shall be left undistributed by the Administrator General shall vest in the executor or administrator of the said estate, subject nevertheless to all lawful contracts theretofore made relating to such estate and to the allowance and payment of all outlays, disbursements, costs, fees, charges and expenses, reasonably incurred in the administration thereof.

8. Should at any time the agent or agent-in-charge of any estate belonging to a merchant not residing in the Protectorate, the leaving estate, without any responsible person in charge thereof, the Administrator General shall, on such fact coming to his notice, apply to the Court for an order to take charge of such property, and the Court shall make such order as it shall think fit.

9. In all cases where an order to administer shall have been made, and if this Ordinance it shall be lawful for any person to apply for the Court to decide all disputes, matters, claims and demands in respect thereof, and to make such orders as it shall think fit touching the collection, sale, disposal or administration of such estate.

10. Provided nevertheless that in any case in which it shall appear to be desirable that the matter in question should be decided by the Court, such proceedings to be instituted as shall appear proper to the Court in the premises.

11. In the case of deceased persons leaving estate in the Protectorate the District Judges of the District may where he shall deem it advisable for the protection of the estate, take possession thereof, and in such case he shall forthwith report in relation to the Administrator General who shall give such directions and take such proceedings in the matter as he shall think fit.

12. The Administrator General shall except as hereinafter provided in respect to the estates of European Officers, convert into money all movable property of the estate which he is ordered to administer, unless order to the contrary be made by the Court, and may with the consent of the Court convert into money all or any part of the immovable property of such estate.

(2) He shall cause advertisements to be published in the "Official Gazette" and in such other manner as he shall deem expedient calling upon the creditors of the persons whose estates he shall have been ordered to administer to come in and prove their debts before him within the space of two months from the date of publication. He shall, after the expiration of such months, pay the debts proved, and if the whole thereof cannot be paid he shall pay a dividend thereon, if he shall collect any further



Passed in the Legislative Council the 23rd day of November in the year of Our Lord one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

H. W. GRAY

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

R. M. COMBE

*Queen's Advocate*

C. C. BOWRING

*Treasurer.*

Assented to in His Majesty's name this 4th day of December 1909.

F. P. C. GIROCARD

*Governor*

MAILED  
LONDON  
1909  
MAY 29 11

Whitehall

20th March

19 17

The Secretary  
War Office,  
Whitehall,  
London. S. W.

16401  
REC'D  
MAR 29 1917

Dear Sir,

Re John Grant Currie, Deed.

67

I am acting for Mr. R. H. Currie of Moulsham Lodge,

Chelmsford, brother of the above-named deceased.

On the 5th September last the Administrator General of the East Africa Protectorate at Mombasa despatched to my Client by parcel post certain personal belongings forming part of the estate of the above-named deceased as shown by the copy letter which accompanies.

These goods were lost through the sinking of the steamship "Arabia" which I understand was brought about by an enemy act.

I have communicated with the Administrator General at Mombasa as to whether he insured the goods and heg to send you herewith copy of a letter I have received from him dated the 6th February last which will speak for itself.

Will you kindly let me hear whether I am right in assuming that His Majesty's Government will make good the loss sustained by my Client.

2 encls

NAT TEL BY TELETYPE

LEONARD GRAY,  
SOLICITOR  
AND AT ORIGIN

7-5-41  
REC'D  
MEX 29 MAR 17

CHALMSFORD.

20th March 19 11

The Secretary,  
War Office.

Continued.

Upon hearing from you I will ask my Client to place  
a value upon the goods and inform you thereof.

Yours faithfully,

68

Lombasa.

5th September 1916.

From

ADMINISTRATOR GENERAL,

East Africa Protectorate.

16401

REC  
17

Mr. Currie Esq.,  
Nonisham Lodge,  
Chelmsford,  
Essex, England.

69

Re J. G. Currie Deed.

Cause No. 89,16.

Sir,

I have the honour to send you the following by parcel

cost -

6 Copy Books	2 Badges
1 Manifold Book	1 Bundle private correspondence
3 Note Books	1 Patch
1 Manifold Copying Book	
1 Correspondence Book	
1 Brush	
2 Books	
1 Account Book	
1 Pipe	
2 Compasses	
1 Pr. Spectacles	
1 Microscope	
1 Identify Disc.	

The remainder of the effects consisting of clothing will  
be sold.

I have the honour to be,

Sir,

Your obedient servant

(sd) J. W. H. Parkinson  
Administrator General.

Original and parcel have I fear  
gone down in the S.S. Arabia.

(sd) J. W. H. Parkinson.  
Administrator General.

YPM

Cable Address

Address

6th February 1917.

From

ADMINISTRATOR GENERAL.

East Africa Protectorate.

To  
Leonard Gray Esq.,  
Solicitors,  
Chelmsford,  
Essex,  
England.

Re J. G. Currie, Deed.

Cause No. 89/16

Sir,

In reply to your letter of the 1st ultimo, I regret to say that the parcel referred to was lost in the S.S. Arabia. It was insured but not against war risk which the postal authorities decline to insure against.

I have the honour to be,

Sir,

Your obedient servant.

(sd) J. W. H. Parkinson.

Administrator General.

as is

This letter is returned  
accompanied with the complaints.

90

of the Secretary of the War Office, for

the favour of the addition of  
the 2nd and 3rd Regiments of the  
10th Hussars

War Office

234

1845  
REC'D

March 20<sup>th</sup> 1901

Genl. 839

Ch. de la Force

NAT. TELE. N° 10. CHELMSFORD.

LEONARD GRAY,

SOLICITOR

15, BRIDGEMAN STREET,  
LONDON, E.C. 4.

CHELMSFORD

26th March 1917

The Secretary,  
War Office,  
Whitehall,  
London. S. W.

16401  
REC'D  
MAR 29 11 17

Dear Sir,

Re. John Grant Currie Deed.

I am in receipt of your letter of the 22nd inst. which I herewith return together with the documents which accompanied such letter.

The above-named Deceased was in the E. A. Pioneer Company and died of disease.

I understand from my Client Mr. R. H. Currie that he received on the 14th June last a communication from Mr. Bonar Law intimating the death and that he subsequently received a telegram of condolence from His Majesty the King.

I trust these particulars will give you all the information required and in due course I should be glad if you will kindly let me hear from you.

Yours faithfully,

*Leonard Gray*

70<sup>A</sup>

1700 (7-2)

WAR OFFICE,  
LONDON, S.W.,

71

29<sup>th</sup> March 1917.

SIR,

I am commanded by the Army Council to forward to you for disposal, the enclosed letter, dated the 26<sup>th</sup> instant, from the Lt. Gray, on the subject of

the loss of the effects of the late Mrs. J. G. Currie  
East African Pioneer Coy.

Receipt of the letter has been acknowledged, and the writer has been informed that you will give the necessary instructions for a reply to be sent.

I am,

SIR,

Your obedient Servant,

*R. W. Wade*

enc. 3.  
Office.

164  
REC<sup>d</sup>  
SER<sup>d</sup> 29

11 April 1917

Sir,

I wish to ask the recd. of your letter of the 20th of March, addressed to the W.O., regarding the loss in the S.S. *Arabea* of personal effects of the late Private J. G. Currie, East Africa Pioneer Company, as to request that you state, in the first place, if you will state, with particularity, the grounds upon which you may have a claim against the Govt, whether H.M. Govt. or the Govt. of the S.A.P.

Ans'd 2.2.19

DRAFT

Edward Gray Esq

MINUTE

- Mr. Jewell 5/4/17
- Mr. Bottomley 5.4.17 for
- Mr.
- Mr. Grinnell.
- Mr. Lambert.
- Mr. Reid.
- Mr G. Piddon
- Mr. Steel-Mastland
- Mr. Long.

P