

ACT No. V OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th February, 1902.)

An Act further to amend the Law relating to Administrators General and Official Trustees.

WHEREAS it is expedient further to amend the law relating to Administrators General and Official Trustees; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Administrators General and Official Trustees Act, 1902; and

(2) It shall be deemed to have come into force on the first day of January, 1902.

Appointment of Deputy Administrator General and Official Trustee.

2. (1) The Government may appoint a Deputy to assist the Administrator General as Administrator General and, if he is also Official Trustee, as Official Trustee; and the Deputy so appointed shall, subject to the control of the Government and the general or special orders of the Administrator General, be competent to discharge any of the duties and to perform any of the functions of the Administrator General as Administrator General or, if he is also Official Trustee, as Official Trustee.

(2) A Deputy appointed under sub-section (1) may be either a barrister or a solicitor or attorney, and, notwithstanding anything in the Administrator General's Act, 1874, any Deputy so appointed may officiate as Administrator General. II of 1874.

Remuneration of Administrator General as such and as Official Trustee.

3. (1) Notwithstanding anything in the Administrator General's Act, 1874, or the Official Trustees Act, 1864, the Administrator General may be remunerated by such fixed salary and allowances, and on such terms and subject to such conditions, as the

II of 1874.
XVII of 1864.

Governor

Governor General in Council may direct ; and, where he is so remunerated, he shall be entitled to no further remuneration whatsoever, but shall transfer and pay to such officer, in such manner, and at such times, as the Governor General in Council may, by general or special order, require, all moneys payable to and received by him as Administrator General or, if he is also Official Trustee, as Official Trustee, by way of commission or other remuneration for his service, and the same shall be carried to the account and credit of the Government for the general purposes of the Government ; and in such case all the expenses of the establishment necessary for the office of the Administrator General, and, if he is also Official Trustee, for that of Official Trustee, including the provision of office accommodation, together with all other charges to which the said office or offices may be subject, shall be defrayed by the Government.

(2) Nothing in this Act shall be deemed to render the Government or the Administrator General appointed after the commencement of this Act liable for anything done or purporting to be done by or under the authority of the Administrator General before the commencement of this Act, or, where the Administrator General is also Official Trustee, for anything done or purporting to be done by or under the authority of any Official Trustee appointed before the appointment of the Administrator General to be Official Trustee.

(3) The Government shall be deemed to be responsible for the civil liabilities of any Administrator General remunerated by such fixed salary and allowances as aforesaid as Administrator General or, if he is also Official Trustee, as Official Trustee.

(4) Notwithstanding anything in the Code of Civil Procedure, a suit to enforce any such civil liability as aforesaid shall be brought against the Administrator General as Administrator General or, if he is also Official Trustee, as Official Trustee, as the case may be, by his name of office ; and no suit so brought shall

shall abate by reason of the death, resignation, suspension or removal of the person holding the office of Administrator General or Official Trustee.

Repeal of part of section 9, and section 56, Act II, 1874, and provisions regarding private executors and administrators.

4. (1) The second proviso to section 9, and section 56, of the Administrator General's Act, 1874, are hereby repealed. II of 187

(2) The High Court of the Province may, on application made to it, suspend, remove or discharge any private executor or administrator and provide for the succession of another person to the office of any such executor or administrator who may cease to hold office, and the vesting in such successor of any property belonging to the estate.

(3) No private executor or administrator shall 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 Administrator General by or under the Administrator General's Act, 1874. II of 187

Power for High Court to give directions regarding administration of estate or trust.

5. (1) So far as regards the Administrator General of any of the Presidencies of Bengal, Madras and Bombay, the High Court at the Presidency-town may, on application made to it, give to such Administrator General any general or special directions in regard to any estate in his charge or any trust of which he is the Official Trustee, or in regard to the administration of any such estate or trust.

(2) The High Court of the Province may, in like manner, give similar directions to any private executor or administrator other than the Administrator General acting officially.

Power for High Court to make rules assigning jurisdiction.

6. The High Court of the Province may make rules for assigning jurisdiction under the Administrator General's Act, 1874, or the Official Trustees Act, 1864, to subordinate Courts, and for defining such jurisdiction. II of 187 XVII of 1864.

General powers of administration.

7. The Administrator General acting as such or as Official Trustee, and any private executor or administrator, may, in addition to, and not in derogation

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of, any other powers of expenditure lawfully exercisable by him, incur expenditure—

- (a) on such acts as may be necessary for the proper care and management of any property belonging to any estate or trust administered by him; and,
- (b) with the sanction of the High Court at the Presidency-town in the case of the Administrator General, or with that of the High Court of the Province in the case of a private executor or administrator, on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property.

8. Notwithstanding anything in the Administrator General's Act, 1874, or in any other enactment or rule of law for the time being in force, the Governor General in Council may, by general or special order, direct that, where a subject of a foreign State dies in British India and it appears that there is no one in British India, other than the Administrator General, entitled to apply to a Court of competent jurisdiction for letters of administration of the estate of the deceased; letters of administration shall, on the application to such Court of any consular officer of such foreign State, be granted to such consular officer on such terms and conditions as the Court may, subject to any rules made in this behalf by the Governor General in Council by notification in the Gazette of India, think fit to impose.

Provision for administration by consular officer in case of death in certain circumstances of foreign subject.

9. In section 256 of the Indian Succession Act, 1865, as amended by section 6 of the Probate and Administration Act, 1889, after the word "administration" the words and figures "other than a grant under section 212" shall be inserted.

Amendment of section 256, Act X, 1865.

10. This Act shall be read with, and taken as amending, the Administrator General's Act, 1874, and the Official Trustees Act, 1864.

Act to be read with Acts II, 1874, and XVII, 1864.