

PAPUA.



No. 1 of 1926.

AN ORDINANCE

To Amend the "Probate and Administration Ordinance, 1913-1915."

J. H. P. MURRAY.

[L.S.]

8th January, 1926.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. (1) This Ordinance may be cited as the *Probate and Administration Ordinance, 1926.* Short title and citation.

(2) The *Probate and Administration Ordinance, 1913-1915*, is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Probate and Administration Ordinance, 1913-1926.*

2. Section One of the Principal Ordinance is amended by omitting after the words "Part V—" the words "Curator of Intestate Estates" and substituting therefor the words "Public Curator." Division of Ordinance.

Interpretation.

3. Section Four of the Principal Ordinance is amended—

- (a) by omitting from the definition of the term “Administrator” the words “Curator of Intestate Estates” and by inserting in lieu thereof the words “Public Curator”;
- (b) by omitting from the definition of the term “Curator” the words “Curator of Intestate Estates” and by inserting in lieu thereof the words “Public Curator”;
- (c) by inserting therein after the definition of “Curator” the following new definition:—

“‘Public Curator’ means the Public Curator of the Territory of Papua constituted by this Ordinance.”

4. Section Twelve of the Principal Ordinance is repealed and the following new sections are substituted therefor:—

Public Curator.

“12. The Lieutenant-Governor may from time to time appoint an officer to be called the ‘Public Curator.’

Public Curator a corporation sole.
Cf. Q. 6, Geo. V,
No. 14, s. 9.

12A. (1) The Public Curator is hereby constituted a corporation sole under the name of ‘The Public Curator of Papua’ with perpetual succession and a seal of office.

(2) Subject to this Ordinance the Public Curator shall be capable in law of suing and being sued and of doing and suffering all such other acts and things as bodies corporate may by law do or suffer.

Contracts.
Cf. Q. 6, Geo. V,
No. 14, s. 10.

12B. Where the Public Curator is authorized to enter into any contract or exercise any power such authority may be exercised as follows:—

Any contract which if made between private persons or any power which if exercised by private persons—

firstly must be by deed or in writing under seal;

secondly must be in writing signed by the parties thereto or the persons executing the power;

thirdly may be made or exercised verbally without writing:

When entered into or exercised by the Public Curator—

in the first case shall be in writing under his seal and signed by or on behalf of the Public Curator;

in the second case shall be in writing signed by or on behalf of the Public Curator;

in the third case may be made or exercised verbally without writing by or on behalf of the Public Curator.

12c. On the coming into operation of this section—

- (a) the office of Curator of Intestate Estates in abolished;
- (b) subject to this Ordinance the former powers, immunities and duties of the Curator of Intestate Estates shall be exercised possessed and performed by the Public Curator;
- (c) all orders or grants made by the Court empowering the Curator of Intestate Estates to administer estates shall on the commencement of this section take effect as orders or grants empowering the Public Curator to administer such estates;
- (d) all property vested in or held by or on behalf of the Curator of Intestate Estates shall pass to and become vested in the Public Curator;
- (e) whenever in any Ordinance rule regulation deed will document or instrument any reference is made to the Curator of Intestate Estates such reference shall be construed as a reference to the Public Curator.

Abolition of
office of
Curator of
Intestate
Estates.
Cf. Q. 6, Geo. V,
No. 14, s. 7 (1).

Deputy Public
Curator.

12D. (1) If at any time the Public Curator is absent from the Territory or is absent from duty on leave or is unable by reason of illness or other cause to perform his duty or if a vacancy exists in the office of the Public Curator the Lieutenant-Governor may appoint a Deputy Public Curator.

(2) A Deputy Public Curator while acting as such shall have the same powers duties and liabilities and be entitled to the same immunities as the Public Curator.

12E. When any person has before the commencement of this section been appointed and has acted or purported to act as Acting Curator of Intestate Estates he shall be deemed to have been appointed and to have acted as Deputy Curator of Intestate Estates.”

Repeal of
ss. 72 and 73.

5. Sections Seventy-two and Seventy-three of the Principal Ordinance are repealed.

6. Section Seventy-five of the Principal Ordinance is amended by adding at the end of Paragraph (b) of Subsection (1) thereof the following words “or such other commission not being more than Five pounds per centum on such moneys as may be prescribed either generally or in relation to any particular class of such collections.”

Amendment
of s. 86.

7. Section Eighty-six of the Principal Ordinance is amended by omitting therefrom the word “or” after the word “Agent” and substituting the word “of” in lieu thereof.

Amendment
of s. 93.

8. Section Ninety-three of the Principal Ordinance is amended—

(a) by omitting from Paragraph (c) of Subsection (1) thereof the word “and” last occurring therein;

(b) by omitting from Subsection (1) thereof the whole of Paragraphs (d) and (e);

(c) by inserting after Subsection (1) thereof the following new subsections:—

“(1A) Upon the application in writing by or with the authority of any person interested in any such estate the Curator shall—

- (a) permit the applicant his solicitor or other authorized agent to inspect and take copies of any entry in any register relating to the estate and (so far as the interest of the applicant is or may be affected thereby) of any account notice or other document in the custody of the Curator; and
 - (b) at the expense of such applicant supply him or his solicitor or other authorized agent with a copy of any such entry account or document as aforesaid or of any extract therefrom; and
 - (c) give to such applicant or his solicitor or other authorized agent such information respecting the estate and the trust property as is reasonably requested in the application and is within the power of the Curator.
- (1B) Subject as aforesaid the Curator his deputy officers and agents shall observe strict secrecy in respect of every trust or estate in course of administration by him."

9. The Second Schedule to the Principal Ordinance is amended by omitting therefrom all the words and figures commencing "For every order to pay money if £10 and under £20 2s. 6d." down to the end of the said Schedule. Amendment of Sch. 2.

Passed in Council this eighth day of January, in the year of Our Lord One thousand nine hundred and twenty-six.