

Serial Number 1939/46.



**THE SAMOA ADMINISTRATION ORDER 1939.**

GALWAY, Governor-General.

**ORDER IN COUNCIL.**

At the Government Buildings at Wellington, this 2nd day of May, 1939.

Present :

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

PURSUANT to the Samoa Act, 1921, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following Order.

**ORDER.**

1. This Order may be cited as the Samoa Administration Order 1939.
2. This Order shall come into operation on the 1st day of May, 1939.
3. Unless a contrary intention appears, terms used in this Order have the same meaning as when used in the Administration Act, 1908, in its application to Samoa.
4. Subject to the Samoa Act, 1921, and subject to any regulation or ordinance which may make different provisions in that behalf, the Administration Amendment Act, 1935, shall, so far as applicable, be in force in Samoa.
5. In the application of the Administration Amendment Act, 1935, to Samoa the provisions of section 370 of the Samoa Act, 1921, shall apply as if the Administration Amendment Act, 1935, had been specified in the Fourth Schedule to the Samoa Act, 1921.
6. In the application of the Administration Amendment Act, 1935, to Samoa the reference in section 5 thereof to the power to make rules of Court under section 3 of the Judicature Amendment Act, 1930, shall be read as a reference to the power to make rules of Court under section 74 of the Samoa Act, 1921.
7. In the application of the Administration Act, 1908, to Samoa references to the Public Trustee shall be read as references to the Samoan Public Trustee appointed under the Samoa Public Trust Office Order, 1921.

8. Notwithstanding anything to the contrary in the Administration Act, 1908, or any other law to the contrary, the Court may in any of the events set out in the next succeeding clause hereof appoint as administrator of the estate of a deceased person such person as it may think fit other than the person or persons who would otherwise be entitled to the grant.

9. The events referred to in the last preceding clause hereof are the following :—

- (i) Where the deceased died intestate :
- (ii) Where the deceased has by his will appointed no executor, either expressly or according to the tenor :
- (iii) Where the executor or executors appointed by the will have died in the lifetime of the deceased :
- (iv) Where the executor or executors appointed by the will have renounced probate, or are unwilling to accept a grant of probate :
- (v) Where the executor or executors appointed by the will are incompetent by reason of minority, mental defectiveness, or absence from the jurisdiction, or other disability :
- (vi) Where in the opinion of the Court any other special circumstance exists.

10. In acting under clause 8 of this Order, the Court shall as far as practicable follow what it considers to be the practice of the Supreme Court of New Zealand in acting under Rule 531J of the Code of Civil Procedure and under section 73 of the Court of Probate Act, 1857 (Imperial).

C. A. JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 4th day of May, 1939.  
These regulations are administered by the Department of External Affairs.