

7. The several sentences pronounced by Military Courts upon persons tried by such Courts for any crimes or offences whatsoever, or for any contraventions of any order or regulation expressed or purporting to be issued under Martial Law are hereby confirmed; and all such persons confined in any prison by virtue of such sentences shall be deemed to have been and to be legally confined there, and shall continue liable to be so confined there or elsewhere, as the High Commissioner may direct, until the expiration of the sentences respectively passed upon them, or until their discharge by lawful authority, and such sentences shall be deemed to be sentences duly passed by duly and legally constituted Courts of Cyprus and shall be carried out, or otherwise dealt with, in the same manner, and sentences of such Military Courts shall be followed by the same disabilities, if any, as sentences of the Courts of Cyprus.

Confirmation of sentences.

## INFANTS ESTATES ADMINISTRATION.

7 OF 1894.<sup>(1)</sup>

TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE ADMINISTRATION OF THE ESTATES OF DECEASED OTTOMAN SUBJECTS WHO HAVE DIED LEAVING HEIRS WHO ARE INFANTS OR MENTALLY INCAPACITATED FROM MANAGING THEIR AFFAIRS OR ABSENT FROM CYPRUS.

WALTER J. SENDALL.]

[May 2, 1894.]

1. In this Law, the following expressions have the following Definitions meanings:—

“Heir” means every person having any interest by inheritance or succession in the property of a deceased person;

“Heir under disability” means every heir who has not completed the age of eighteen years, or is lunatic, idiot, imbecile, or otherwise mentally incapacitated from the management of his affairs: Provided that a married woman shall not be deemed to be under disability because she has not attained the age of eighteen years;

“Movable property” includes crops;

“Crops” means any cereals, fruit, vegetables or the produce of any carob, olive or fruit tree or vine;

2. Whenever any non-Moslem subject of His Imperial Majesty the Sultan of Turkey, resident in Cyprus, dies, it shall be the duty of the Priest who performs the burial service over the deceased to report the fact of the death to the Mukhtar of the village or quarter.

Report of death to be made to Mukhtar.

<sup>(1)</sup> See the Statute Laws Application Law, 2 of 1915, p. 872.

Duties of  
Mukhtar.

3. The Mukhtar of the village or quarter shall forthwith make all reasonable inquiries to ascertain who are the heirs of the deceased person; and if it shall appear that any of such heirs are under disability, or absent from Cyprus, the Mukhtar shall proceed to ascertain what movable property the deceased died possessed of, and shall forthwith forward to the Registrar of the District Court of the District within which the deceased resided, a report containing an announcement of the death of the deceased, the date of his death, the names of the heirs specifying which of them are under disability or absent from Cyprus, the names of some of the nearest relatives of the deceased, and a list of the movable property left by him, stating approximately the value of the property.

Provided that if it clearly appears to the Mukhtar that the value of the movable property left by the deceased does not exceed the sum of twenty pounds it shall not be necessary for him to make any report.

Inquiry as to  
moneys owing  
to deceased.

4. The Mukhtar shall make inquiries of the heirs or near relatives of the deceased as to whether any moneys are owing to the deceased, and shall include a statement of the moneys so owing, if any, in the list of property, specifying the amount of the moneys and the persons from whom they are owing.

Clothing of  
spouse and  
child not part  
of estate.

5. The bedding or clothing of any surviving spouse or of any child of any deceased person shall not be deemed to form part of the estate of the deceased; and the Mukhtar, in drawing up a list of the movable property of the deceased, shall not include any such clothing therein.

Mukhtar to  
take pos-  
session of  
valuables.

6. Where the Mukhtar finds amongst the property of a deceased person who has died leaving heirs under disability or absent from Cyprus, any money, securities for money, or jewellery, which or the value of which, together with the value of the other movable property of the deceased, shall exceed the sum of twenty pounds, he shall take possession of the same, giving a receipt therefor to any of the heirs or any near relative of the deceased, and shall bring or forward the property of which he has so taken possession, securely fastened up and sealed, to the Registrar of the District Court, and the Registrar shall give a receipt therefor to the Mukhtar or other person bringing the property to him.

Mukhtar's  
fee.

7. Every Mukhtar bringing or forwarding any report to the Registrar of a District Court shall be entitled to receive out of the estate of the deceased a fee of five shillings.<sup>(1)</sup> Such fee shall be deemed to be a first charge upon the estate of the deceased, and, unless the heirs of the deceased shall pay to the Mukhtar the amount thereof, the

(1) See p. 925, *infra*.

Court may direct that so much of the movable property of the deceased as shall be sufficient to satisfy the claim of the Mukhtar in respect of the said fee be sold, and the proceeds thereof applied in payment of the fee; Provided that if it appears to the Court that the Mukhtar has wilfully overestimated the value of the property, the Court may direct that he shall not receive any fee.

8. The Registrar of the District Court on receiving such report shall forthwith bring it to the notice of the Court; and if it appears to the Court to be probable that the value of the movable property left by the deceased (including moneys owing to the deceased) does not exceed the sum of twenty pounds, no further proceedings need be taken by the Court upon the report of its own motion, except such as may be necessary to secure the payment of the Mukhtar's fee.

No administration necessary unless value of property exceeds twenty pounds.

9. The Court may in any case on an application made by or on behalf of any heir of a deceased non-Moslem subject of his Imperial Majesty the Sultan, who has died leaving heirs under disability, if it shall think fit, direct that the estate of the deceased be administered under the provisions of this Law, even though the value of the movable property left by the deceased (including therein the amount of moneys owing to the deceased) does not exceed twenty pounds.

Administration on application of heirs.

10. If it appears to the Court to be probable that the value of the movable property left by the deceased (including moneys due to the deceased) exceeds the sum of twenty pounds, or if on application made for that purpose the Court has directed the estate of a deceased person to be administered under the provisions of this Law, the Court shall summon some one or more of the heirs of the deceased or of his nearest relatives to appear before the Court on a day to be fixed for that purpose.

Heir or relative to be summoned by Court.

11. On the appearance of the person or persons so summoned, the Court shall proceed to inquire as to the correctness of the list of property made by the Mukhtar and of the estimated value thereof, and as to the debts owing by and due to the deceased, and the amount of the funeral expenses, and as to whether any and which of the relatives of the deceased or what other person is willing to act as guardian of the heir or heirs under disability, and as to the last known place of abode of any absent heir.

Proceedings on appearance of heir or relative.

The Court may direct that any evidence as to the value of any of the movable property mentioned in the list that it may think requisite or desirable be furnished, and for that purpose may adjourn the inquiry from time to time.

Estimated value of property when to be deemed conclusive.

12. If in the course of such inquiry it appears to the Court to be satisfactorily established that the list of the movable property made by the Mukhtar and the estimated values thereof are substantially correct, or where the Court, after hearing any evidence it may have directed to be produced, has settled the values of the movable property, such estimated values or the values settled by the Court shall be deemed to be conclusive for the purpose of the division of the property amongst the heirs hereinafter mentioned.

No administration necessary where value of property does not exceed twenty pounds.

13. If it appears on inquiry that the value of the movable property left by the deceased, including the amount of any debts due to him, does not exceed twenty pounds, the Court may, unless it sees good reason to the contrary, decline to proceed with the administration of the deceased's estate, but may, if necessary, direct that so much of the movable property left by the deceased as may be necessary to satisfy the Muhtar's fee be sold and the amount of the fee paid to the Mukhtar.

Appointment of guardian.

14.—(1.) The Court may at any time, on application made for that purpose, appoint any fit and proper person who is willing to act as guardian of any heir under disability.<sup>(1)</sup>

(2.) If no fit and proper person is willing to act as the guardian of any heir under disability, the Court may appoint any person to represent such heir on any division of the property to a share of which the heir under disability is entitled, and may direct that any expenses incurred by any person so appointed shall be a charge upon the share of the property of such heir.

(3.) The Court may, in its discretion, at any time revoke any appointment of a guardian, upon application made for that purpose.

Duties of guardian.

15. The duties of a guardian shall be to see to the maintenance of the person or persons of whom he is guardian, and to the education and advancement of such of them as are infants; to receive, manage, protect and preserve his or their property, movable or immovable, and to receive and apply the income arising therefrom in accordance with the directions given to him by the Court by which the property was entrusted to him.

Property may be handed to guardian or sold.

16. The Court may direct that any movable property falling to the share of any heir under disability be handed over to the guardian of such heir, to be applied by him for the maintenance, education or advancement of the heir or otherwise, or, if it appears to the Court that it will be beneficial to the heir that the whole or any portion of such movable property be sold, the Court may order the same to be

<sup>(1)</sup> See The Official Trustees Law, 1912, s. 5 (a) p. 649, *infra*, as to appointment of Official Trustee as guardian.



sold, and the proceeds of the sale paid into Court, and shall direct that so much thereof as shall represent the prescribed fee be carried over in the books of the Treasury to the account of public revenue, and the balance thereof to the account of the estate of the deceased or to the account of the person under disability, as the case may be.

17. The Court may require any such guardian to give security to the satisfaction of the Court that he will apply or dispose of any such property in accordance with the directions of the Court, and that he will furnish an account of his dealings with it to the Court, either at times to be fixed by the Court or when called upon so to do.

Guardian  
to furnish  
security.

18. Before the movable property forming the share of any person under disability is handed to the guardian, the Court shall require the guardian to pay into Court the amount of the fee prescribed to be taken under the provisions of section 58 hereof; and if the guardian does not pay it, the Court shall direct that so much of the movable property forming the share of such person as shall be sufficient to satisfy the amount of the fee be sold, and the amount of the fee paid into Court.

Payment  
of fee.

19. The guardian shall be entitled to reimburse himself from any moneys or property of a person under disability entrusted to him the expenses of preparing or stamping any security bond given by him and the amount of the fee prescribed to be taken under the provisions of section 58 hereof, which shall have been paid into Court by the guardian.

Guardian  
entitled to  
reimburse  
himself the  
amount of  
fee, etc.

20. The security directed to be furnished by the guardian to whom the movable property of any person under disability is entrusted shall be in the form of a bond entered into by the guardian, with one or more surety or sureties to be approved of by the Court, and made in favour of the person under disability.

Form of  
guardian's  
security.

Any such bond may be enforced in an action entitled in the name of the person in whose favour it is made by any person appointed by the Court to sue thereon as next friend of the person under disability.

21. If in the course of an inquiry under the provisions of section 13 it appears that any material portion of the movable property of the deceased has been omitted from the Mukhtar's report, the Court may, if it appear necessary or desirable so to do, appoint the guardian or any person to make an inventory of the movable property of the deceased.

When inven-  
tory may be  
made.