

# THE CANADIAN LAWYER.

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## ADMINISTRATORS.

An administrator (or, if a female, administratrix,) is a person appointed by a Surrogate or Probate Court, or other proper authority, to take charge of the goods and estate of a person who has died without a will, and to distribute them according to law.

An administrator is sometimes appointed even where a will is left. If the will names no executor, an "administrator with the will annexed," must be appointed; if there is but one executor and he die before the estate is wound up, or refuse to act, an administrator of the goods not administered (sometimes called an *administrator de bonis non*) may be appointed. Also, if a single administrator die, an administrator of the goods not administered must act.

Where administration is sought by different persons, the laws of the various Provinces will be found to establish the order of preference between them. Administration will not be granted to those subsequent in priority until those prior have been cited before the Court and disclaimed, or waived their rights. Usually a husband has the first right to administer to the estate of his deceased wife, and a widow to that of her deceased husband; after these, the next of kin have the prior right to Letters of Administration; but a creditor of deceased may obtain them if they all disclaim, or any other proper person in the discretion of the Court. In Ontario Letters of Administration cannot be granted to a non-resident except in the case of resealing foreign letters.

Before Letters of Administration are granted, proof must be filed in the Court granting them, verifying the death, that search has been made for a will and none found, and that none is believed to exist; that the deceased has personal property within the jurisdiction of the Court; and that the applicant has a right to demand the administration. In most jurisdictions an inventory of the personal property must also be filed, with a computation of its sworn value. This is partly for the purpose of fixing the