

ORDINANCE No. 13 OF 1916.

AN ORDINANCE to provide for the administration of the Trust Fund created under the Will of Isaac Edward Adrian Patoir. A.D. 1916.

[19th August, 1916.]

WHEREAS Isaac Edward Adrian Patoir residing in the County of Berbice, by his last will and testament dated Sixteenth day of May, 1915, made among other provisions which need not be stated herein, a provision to the following effect:—

I leave and bequeath the sum of Sixty Thousand Dollars to be securely invested on First Mortgage immovable property in this Colony, Government Bonds and Town Council Bonds at the best current rates of interest obtainable for the purpose of forming and establishing an Institution to be called and named the "Patoir Fund" for the support and maintenance of destitute Coloured Widows and Spinsters of good character and repute from the age of thirty-five years and upwards, and only for as long as they shall remain unmarried born and are living in the Colony of Berbice and only for so long as they shall continue to live in the County of Berbice, on their migrating to the sister Counties of Demerara and Essequibo or elsewhere, the amount so paid to them shall forthwith cease, the amount to be paid to each shall in no case be more or less than five dollars per month to be paid from the interest derived from the capital invested and which said capital must always remain the same and untouched as Trustees upon Trust to hold the amount so bequeathed for the Establishment of the said Fund to be called and known as the "Patoir Fund." I appoint His Excellency the Governor and his Successors in Office, the Honourable the Attorney General and his Successors in Office, for the purpose of receiving from my Executor the said sum of Sixty Thousand Dollars and holding the said amount for the Institution of the said Fund so to be established and which must be established within a reasonable time after my death.

I further appoint as the first Administrators of the said Fund and Institution when established the Honourable the Attorney General of the Colony for the time being and his Successors in Office, the Public Trustee of British Guiana and his Successor in Office, and a leading merchant carrying on business in this Colony who shall be selected and appointed by His Excellency the Governor in the first instance, and from time to time as vacancies occur as the joint Administrators.

And whereas the said Isaac Edward Adrian Patoir died on the Thirtieth day of May, 1915, without having altered or revoked his said will and the said will was duly deposited on the Tenth day of September, 1915;

And whereas on the Seventh day of October, 1915, His Excellency Sir Walter Egerton, K.C.M.G., Governor of British

Guiana in pursuance of the authority given to him by the said will selected Sylvanus Wreford, of New Amsterdam, Berbice, a leading merchant carrying on business in the Colony to be with the Honourable the Attorney General and the Public Trustee a joint Administrator of the said will;

And whereas subsequent to that date the following Order was made on the 24th day of November, 1915, in the Supreme Court of British Guiana "*Upon the application* of Sir Walter Egerton, Joseph John Nunan, William Alstein Parker and Sylvanus Wreford *And upon reading* the petition of the Applicants filed the 5th day of November instant, *And upon hearing* the Attorney General of Counsel for the Applicants and what was alleged on oath by William De Weever Wishart and the executor of the Will of the above named Isaac Edward Adrian Patoir, deceased, *This Court doth declare* that the persons meant and intended by the testator under the description in his said Will 'Coloured Widows and spinsters' are widows and spinsters who are the offspring of parents one of whom is black and the other white or who are the offspring of parents one of whom is black and the other a coloured person or who are the offspring of parents one of whom is coloured and the other white or who are the offspring of parents both of whom are coloured persons the colour in each case being either proximately or remotely traceable to African negro origin or descent."

And whereas Joseph John Nunan, LL.D., the Attorney General, William Alstein Parker, the Public Trustee, and Sylvanus Wreford, the Administrators of the said Isaac Edward Adrian Patoir on the 31st day of March, 1916, presented a petition to the Governor-in-Council setting forth the facts hereinbefore stated and praying that an Ordinance might be passed to provide for certain matters not dealt with by the direction of the Testator;

And whereas the property now subject to the provisions of the said will hereinafter called the "Patoir Fund" is the property set forth in the Schedule to this Ordinance and it is expedient to make further provision for the administration of the same and for carrying into effect the will of the said Isaac Edward Adrian Patoir.

Be it therefore enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

Short title.

1. This Ordinance may be cited as the Patoir Fund Ordinance, 1916.

General Powers of Administrators.

2. Two Administrators may exercise all the powers of the Administrators in case of any vacancy or in the case of the death, illness or absence from the colony of the third Administrator. Where there is a difference of opinion the majority shall prevail and in case of a difference of opinion where there are only two Administrators, owing to the death, illness or absence from the Colony of the third, the Governor-in-Council shall decide. The Administrators may on the ground of misconduct cancel or suspend the appointment of any beneficiary.

3. The Fund shall be entitled and shall be invested as the Patoir Fund and the Administrators shall have full power to invest the corpus or any portion thereof and to realise and further invest the same from time to time and to dispose of the revenue in such manner as they shall see fit subject to the terms of the will and shall be at liberty to pay out of revenue all just expenses of administration including such reasonable clerical and travelling expenses as may be found necessary for all purposes of administration and shall be at liberty to draw commissions not exceeding five per cent. on the amount of revenue received.

Power of Investment.

4. The Administrator appointed by the Governor shall hold Office for five years but may be re-appointed. Such Administrator may resign and the Governor may for any cause which he may deem sufficient cancel the appointment of such Administrator. The Governor may thereupon appoint another person not being an official and being otherwise qualified in accordance with the terms of the will.

Unofficial Administrator.

5. The Attorney General or Public Trustee with the consent of the Governor may by letter to the Governor resign his appointment and the Governor shall therefore nominate another Head of a Government Department to act as Administrator instead of the Attorney General or Public Trustee until the permanent appointment of another Attorney General or Public Trustee, but upon such permanent appointment the new officer shall become an Administrator of the Patoir Fund by virtue of his office in like manner as if his predecessor had not resigned.

Resignation of Official Administrators.

6. The accounts of the Administrators shall be audited by an officer of the Audit Office from time to time. The fee for such audit shall be a sum to be fixed by the Governor-in-Council.

Audit.

7. The Administrators shall present to the Governor and Court of Policy on or before 31st January in each year an account of their administration during the twelve months ending 31st December preceding.

Accounts.

THE SCHEDULE.

INVESTMENTS.

British Guiana Government Bonds at 4½%	\$ 39,984
Do. do. do. do. at 5 %	20,050*
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	\$ 60,034*
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*Thirty-four dollars transferred from Interest Account in order to obtain a round sum in Bonds.