

## Corpus Juris Secundum

**Proof crown administration of a living  
mans affairs is null and void**

### Corpus Juris Secundum

Section 16, Page 892:

**FACT OF DEATH:** Death of the person on whose estate administration is sought is a jurisdiction requisite; and while the presumption of death arising from absence may present a prima facie case sufficient to warrant a grant of administration, yet if it subsequently develops that such person was in fact alive, the administration is void.

While it is true that the presumption of death arising from a person's absence, unheard from, for a considerable length of time, see "Death Section 6", may present a prima facie case sufficient to warrant a grant of administration on his estate, the arising of such presumption does not take the case out of the operation of the general rule on the subject, and if it is made to appear that the person was in fact alive at the time such administration was granted, the administration is absolutely void.

Although, that payment to an administrator of an absentee who is not in fact dead is no defense against the absentee or his legal representative, nor are costs and disbursement incurred by such administrator a legal charge against the absentee or his property; but where the administrator has paid debts of the absentee, he is subrogated to the rights of the creditors whom he has paid. It has been considered, however, that the invalidity of the administration does not relate back, but that it is invalid only the time when the presumption of death is rebutted.