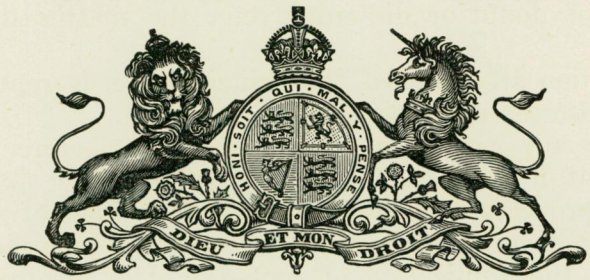
New South Wales.



ANNO SEXTO

EDWARDI VII REGIS.

* *

Act No. 14, 1906.

An Act to amend the Wills, Probate and Administration Act, 1898, and the Administration (Validating) Act, 1900; and for purposes consequent thereon or incidental thereto. [Assented to, 16th October, 1906.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Administration Amending Act, 1906." In its construction, the "Principal Act" means the Wills, Probate and Administration Act, 1898. Short title.

2. Section forty-three of the Principal Act is repealed, and the following inserted in its place:— Repeal of section 43 of Principal Act.

The judges, or any three of them, may, by rules of court in that behalf made, delegate to the registrar the powers of the court in and about— Delegation of certain powers of the court.

(a) the granting of probates and administration of estates where no contention has arisen;

(b) the passing of the accounts of executors and administrators, save in respect of the award of commission thereon;

(c) the granting to executors and administrators of further time to file accounts;

(d)

(d) the authorising the sale, lease, or mortgage of any of the real estate as to which any person dies intestate where the gross value of such real estate does not exceed two hundred pounds, and no objection is raised to such sale, lease, or mortgage:

Provided that the registrar shall, where any party interested so desires, and in cases of doubt or difficulty, refer the matter to the Probate Judge.

Repeal of section 54 of Principal Act.

3. Section fifty-four of the Principal Act is repealed, and the following is inserted in its place:—

Expenditure of infant's share in maintenance, &c.

Where any person has died intestate before or after the commencement of this Act, and the net value of the share of his real and personal property descending to an infant issue of such intestate did not, at the time of such death, exceed five hundred pounds, the court may, on the application of such infant or of any such infants or of any person on his or their behalf, authorise the administrator to expend the whole or any portion of such share or shares of such infant or infants in his or their respective maintenance, advancement, or education.

Amendment of section 82 of Principal Act.

4. The following subsection is inserted after subsection one of section eighty-two of the Principal Act:—

Retainer abolished.

(2) In the administration of the estate of any person dying before or after the commencement of this Act, in respect of which probate or letters of administration is or are granted after such commencement, no debt or liability of such person shall be entitled to any priority or preference by reason only that it is due to an executor or administrator of such estate.

Amendment of section 136.

5. Section one hundred and thirty-six of the Principal Act is amended by adding the following proviso:—

Provided that the curator may retain at credit of any such estate any sums of money which he may consider likely to be required to answer payments to be made out of such estate under any order of the court in force on the said day.

Repeal of section 5 of the Administration (Validating) Act, 1900.

6. Section five of the Administration (Validating) Act, 1900, is repealed, and the following inserted in its place:—

Court may authorise business of intestate to be carried on.

Where any person has died intestate, before or after the commencement of this Act, as to any real or personal estate used by him at the time of his death in any business, trade, or occupation, the court, or the Supreme Court in its equitable jurisdiction, may authorise the executor or administrator (whether probate or administration has been granted before or after the commencement of this Act) to postpone the realisation of the estate so used, or any part thereof, for such time as the court thinks fit, and in the meantime to carry on the said business, trade, or occupation, and to use therein such estate or part thereof, subject to such conditions as the court may think fit to impose.

By Authority: WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1906.

[3*d*.]

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 9 October, 1906.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.

ANNO SEXTO

EDWARDI VII REGIS.

* *

Act No. 14, 1906.

An Act to amend the Wills, Probate and Administration Act, 1898, and the Administration (Validating) Act, 1900; and for purposes consequent thereon or incidental thereto. [Assented to, 16th October, 1906.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Administration Amending Act, 1906." In its construction, the "Principal Act" means the Wills, Probate and Administration Act, 1898. **2.** Short title.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. H. WOOD,
Chairman of Committees of the Legislative Assembly.

Repeal of section 43 of Principal Act.

2. Section forty-three of the Principal Act is repealed, and the following inserted in its place :—

Delegation of certain powers of the court.

The judges, or any three of them, may, by rules of court in that behalf made, delegate to the registrar the powers of the court in and about—

(a) the granting of probates and administration of estates where no contention has arisen;

(b) the passing of the accounts of executors and administrators, save in respect of the award of commission thereon ;

(c) the granting to executors and administrators of further time to file accounts ;

(d) the authorising the sale, lease, or mortgage of any of the real estate as to which any person dies intestate where the gross value of such real estate does not exceed two hundred pounds, and no objection is raised to such sale, lease, or mortgage :

Provided that the registrar shall, where any party interested so desires, and in cases of doubt or difficulty, refer the matter to the Probate Judge.

Repeal of section 54 of Principal Act.

3. Section fifty-four of the Principal Act is repealed, and the following is inserted in its place :—

Expenditure of infant's share in maintenance, &c.

Where any person has died intestate before or after the commencement of this Act, and the net value of the share of his real and personal property descending to an infant issue of such intestate did not, at the time of such death, exceed five hundred pounds, the court may, on the application of such infant or of any such infants or of any person on his or their behalf, authorise the administrator to expend the whole or any portion of such share or shares of such infant or infants in his or their respective maintenance, advancement, or education.

Amendment of section 82 of Principal Act.

4. The following subsection is inserted after subsection one of section eighty-two of the Principal Act :—

Retainer abolished.

(2) In the administration of the estate of any person dying before or after the commencement of this Act, in respect of which probate or letters of administration is or are granted after such commencement, no debt or liability of such person shall be entitled to any priority or preference by reason only that it is due to an executor or administrator of such estate.

Amendment of section 136.

5. Section one hundred and thirty-six of the Principal Act is amended by adding the following proviso :—

Provided that the curator may retain at credit of any such estate any sums of money which he may consider likely to be required to answer payments to be made out of such estate under any order of the court in force on the said day.

6.

6. Section five of the Administration (Validating) Act, 1900, is repealed, and the following inserted in its place:— Repeal of section 5 of the Administration (Validating) Act, 1900.

Where any person has died intestate, before or after the commencement of this Act, as to any real or personal estate used by him at the time of his death in any business, trade, or occupation, the court, or the Supreme Court in its equitable jurisdiction, may authorise the executor or administrator (whether probate or administration has been granted before or after the commencement of this Act) to postpone the realisation of the estate so used, or any part thereof, for such time as the court thinks fit, and in the meantime to carry on the said business, trade, or occupation, and to use therein such estate or part thereof, subject to such conditions as the court may think fit to impose. Court may authorise business of intestate to be carried on.

In the name and on the behalf of His Majesty I assent to this Act.

HARRY H. RAWSON,
Governor.

State Government House,
Sydney, 16*th October,* 1906.

ADMINISTRATION AMENDING BILL.

SCHEDULE of the Amendments referred to in Message of 27th September, 1906.

Page 1, Title. *After* "1898" *insert* "**and the Administration (Validating) Act, 1900**"

Page 2, clause 2, line 1. *Omit* "Amendment of Principal Act"

Page 2, clause 2, line 13. *After* (d) *omit* "authorise the power of sale in estates not "exceeding two hundred pounds 'where no contest has arisen'" *insert* "**the "authorising the sale, lease, or mortgage of any of the real estate as "to which any person dies intestate where the gross value of such real "estate does not exceed two hundred pounds, and no objection is raised "to such sale, lease, or mortgage**"

Page 2. *After* clause 5 *insert* the following new clause:—

Repeal of section 5 of the Administration (Validating) Act, 1900.

6. Section five of the Administration (Validating) Act, 1900, is repealed, and the following inserted in its place:—

Court may authorise business of intestate to be carried on.

Where any person has died intestate before or after the commencement of this Act, as to any real or personal estate used by him at the time of his death in any business, trade, or occupation, the court, or the Supreme Court in its equitable jurisdiction, may authorise the executor or administrator (whether probate or administration has been granted before or after the commencement of this Act) to postpone the realisation of the estate so used, or any part thereof, for such time as the court thinks fit, and in the meantime to carry on the said business, trade, or occupation, and to use therein such estate or part thereof, subject to such conditions as the court may think fit to impose.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 11 *September,* 1906.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 27*th September,* 1906.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.

ANNO SEXTO

EDWARDI VII REGIS.

* *

Act No. , 1906.

An Act to amend the Wills, Probate and Administration Act, 1898, **and the Administration (Validating) Act, 1900**; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 **1.** This Act may be cited as the "Administration Amending Act, 1906." In its construction, the "Principal Act" means the Wills, Probate and Administration Act, 1898. Short title.

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter.**

~~Amendment of Principal Act.~~

2. Section forty-three of the Principal Act is repealed, and the following inserted in its place :— Repeal of section 43 of Principal Act.

The judges, or any three of them, may, by rules of court in that behalf made, delegate to the registrar the powers of the court in and about— Delegation of certain powers of the court.

(a) the granting of probates and administration of estates where no contention has arisen;

(b) the passing of the accounts of executors and administrators, save in respect of the award of commission thereon;

(c) the granting to executors and administrators of further time to file accounts;

(d) ~~authorise the power of sale in estates not exceeding two hundred pounds "where no contest has arisen"~~ **the authorising the sale, lease, or mortgage of any of the real estate as to which any person dies intestate where the gross value of such real estate does not exceed two hundred pounds, and no objection is raised to such sale, lease, or mortgage:**

Provided that the registrar shall, where any party interested so desires, and in cases of doubt or difficulty, refer the matter to the Probate Judge.

3. Section fifty-four of the Principal Act is repealed, and the following is inserted in its place :— Repeal of section 54 of Principal Act.

Where any person has died intestate before or after the commencement of this Act, and the net value of the share of his real and personal property descending to an infant issue of such intestate did not, at the time of such death, exceed five hundred pounds, the court may, on the application of such infant or of any such infants or of any person on his or their behalf, authorise the administrator to expend the whole or any portion of such share or shares of such infant or infants in his or their respective maintenance, advancement, or education. Expenditure of infant's share in maintenance, &c.

4. The following subsection is inserted after subsection one of section eighty-two of the Principal Act :— Amendment of section 82 of Principal Act.

(2) In the administration of the estate of any person dying before or after the commencement of this Act, in respect of which probate or letters of administration is or are granted after such commencement, no debt or liability of such person shall be entitled to any priority or preference by reason only that it is due to an executor or administrator of such estate. Retainer abolished.

5. Section one hundred and thirty-six of the Principal Act is amended by adding the following proviso :— Amendment of section 136.

Provided that the curator may retain at credit of any such estate any sums of money which he may consider likely to be required to answer payments to be made out of such estate under any order of the court in force on the said day.

6.

6. Section five of the Administration (Validating) Act, 1900, is repealed, and the following inserted in its place:— Repeal of section 5 of the Administration (Vadidating) Act, 1900.

Where any person has died intestate, before or after the commencement of this Act, as to any real or personal estate used by him at the time of his death in any business, trade, or occupation, the court, or the Supreme Court in its equitable jurisdiction, may authorise the executor or administrator (whether probate or administration has been granted before or after the commencement of this Act) to postpone the realisation of the estate so used, or any part thereof, for such time as the court thinks fit, and in the meantime to carry on the said business, trade, or occupation, and to use therein such estate or part thereof, subject to such conditions as the court may think fit to impose. Court may authorise business of intestate to be carried on.

Sydney: William Applegate Gullick, Government Printer.—1906.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 11 *September,* 1906.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, September, 1906.

Clerk of the Parliaments.

New South Wales.

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The judges, or any three of them, may, by rules of court in that behalf made, delegate to the registrar the powers of the court in and about— Delegation of certain powers of the court.

(a) the granting of probates and administration of estates where no contention has arisen;

(b) the passing of the accounts of executors and administrators, save in respect of the award of commission thereon;

(c) the granting to executors and administrators of further time to file accounts;

(d) ~~authorise the power of sale in estates not exceeding two hundred pounds "where no contest has arisen"~~ **the authorising the sale, lease, or mortgage of any of the real estate as to which any person dies intestate where the gross value of such real estate does not exceed two hundred pounds, and no objection is raised to such sale, lease, or mortgage:**

Provided that the registrar shall, where any party interested so desires, and in cases of doubt or difficulty, refer the matter to the Probate Judge.

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ADMINISTRATION AMENDING BILL.

Page 2, clause 2, paragraph (d). *Omit* the words of the paragraph *insert* " authorising the sale, lease, or mortgage of all or any " of the real estate as to which any person dies intestate, " when the gross value of such real estate does not exceed " two hundred pounds, and no objection is raised to such " sale, lease, or mortgage."

78724 49—

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 11 *September,* 1906.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.

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Sydney : William Applegate Gullick, Government Printer.—1906.

[3*d*.]