
TESTATOR'S FAMILY MAINTENANCE.

S^o GEO. VI., No. X.

No. 10 of 1944.

AN ACT to amend Section three of the Testator's Family Maintenance Act, 1939.

[Assented to 30th October, 1944.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Testator's Family Maintenance Act Amendment Act, 1944*, and shall be read as one with the Testator's Family Maintenance Act, 1939 (No. 44 of 1939), hereinafter referred to as the principal Act.

Amendment of s. 3 of the principal Act.

2. Section three of the principal Act is amended by adding a subsection as follows:—

(5) On an original application under this section, or upon a subsequent application made by any person beneficially entitled to any part of the estate of the testator, the court may if it is proved to the satisfaction of the court that the executor or executors or any of them

appointed by the testator has or have been guilty of abuse of their office or other dereliction of duty, direct that one or more persons be appointed executor or joint executor of the Will either in addition to or in substitution for the person appointed by the testator as executor. In this event the court shall make such order as may be necessary to carry out its direction. Thereupon the property rights, powers, authorities, functions and discretions vested in and the liabilities properly incurred in the due administration of the estate by the original executor shall become and be vested in and transferred to the executor so appointed (either jointly or severally as the case may be) without any conveyance, transfer or assignment.

3. The principal Act as amended by this Act may be cited as the Testator's Family Maintenance Act, 1939-1944.

Citation of
principal Act
as amended.