

ADMINISTRATION.

5° and 6° GEO. VI., No. LV.

No. 55 of 1941.**AN ACT to amend the Administration Act, 1903-1939.**

[Assented to 15th January, 1942.]

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 *Administration Act Amendment Act, 1941*, and shall be read as one with the Administration Act, 1903-1939, hereinafter referred to as the principal Act.

Amendment
of s 26.

2. Section twenty-six of the principal Act is amended, as follows:—

(a) by inserting at the commencement of subsection (1) the words "except where the contrary is expressly enacted;"

(b) by deleting from subsection (1) the word "more" in line three of the said subsection and inserting in lieu thereof the word "two."

New section.

3. A section is inserted in the principal Act after section twenty-seven, as follows:—

27A. (1) Notwithstanding any other provision of this Act, in any case where a person dies leaving property not exceeding one thousand pounds in value and administration is granted to the husband or widow of the deceased, no surety or sureties shall be required to the administration bond.

(2) Notwithstanding any other provision of this Act, in any case where the claim of any creditor of the deceased or any portion of such claim is secured by a mortgage of real estate of the deceased, no surety or sureties shall be required to the adminis-

tration bond in an amount exceeding a sum representing the difference between the amount of the gross value of the property of the deceased and the amount of the claim which such mortgage secures.

4. Section twenty-eight of the principal Act is amended by adding a further paragraph thereto, as follows:—

Amendment
of s. 28.

(c) order that the liability of any surety to any administration bond be reduced to such amount as the Court in the circumstances of the case thinks reasonable.

5. Section fifty-three of the principal Act is amended by deleting the whole of subsection (1) and inserting in lieu thereof a subsection, as follows:—

Amendment
of s. 53.

(1) For the purpose of receiving applications for probate or administration under this Act, the magistrate of every local court held at a town beyond fifty miles from Perth shall be, and is hereby appointed to act as, a district agent for the Master.

6. Section fifty-four of the principal Act is amended by deleting the word "thirty" in line five thereof and inserting in lieu thereof the word "fifty."

Amendment
of s. 54.

7. A new section is inserted in the principal Act after section fifty-seven, as follows:—

New section.

57A. (1) If any person dies leaving property not exceeding one thousand pounds in value and the deceased at the time of his death had a fixed place of abode more than fifty miles from Perth, the person entitled to probate of the will or letters of administration of the estate of such deceased person may apply by his solicitor to the district agent nearest to such place of abode for a grant of such probate or such letters of administration.

(2) The district agent shall receive payment of all proper fees fixed by the Rules of the Court in connection with the application, and shall forthwith transmit to the Master all fees, affidavits, documents, and things received by him; and, upon receipt of the probate or letters of administration, shall deliver the same to the solicitor lodging such application, upon demand.

(3) The Master shall, upon being satisfied with the sufficiency of the evidence in support of the application, and that the estate does not exceed one thousand pounds in value, and that no caveat has been entered against the application, and that the fees have been duly paid, cause probate or letters of administration (as the case may be) to be issued, and shall forward the same to the district agent for delivery by him to the solicitor for the applicant.

(4) Such probate or administration shall be issued in the name and under the seal of the Court.

(5) In any case where the Master is not satisfied, he shall state the matters in respect of which he is not satisfied to the district agent transmitting the application, and such district agent shall then inform the solicitor for such applicant accordingly, and such solicitor may take such further steps as may be proper to satisfy the Master in respect of such matters.

Commence-
ment.

8. This Act shall come into operation as from the first day of July, one thousand nine hundred and forty-two.

Citation of
principal Act
as amended.

9. The principal Act as amended by this Act may be cited as the Administration Act, 1903-1941.
