

*The Administration Act, 1903.*

(No. 13 of 1903.)

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SCHEDULES.



WESTERN AUSTRALIA.



ANNO TERTIO  
EDWARDI SEPTIMI REGIS,  
XIII.

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**No. 13 of 1903.**

AN ACT to consolidate and amend the law relating to Probate and Administration and the Duties on the Estates of Deceased Persons, and for other purposes.

[Assented to 31st December, 1903.]

**B**E 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:—

PART I.—PRELIMINARY.

1. THIS Act may be cited as the *Administration Act, 1903*, and shall be construed as one with the Supreme Court Act, 1861, and all amendments thereof, and shall come into force on the first day of January, one thousand nine hundred and four.

Short title, commencement, and divisions.

It is divided into parts, as follows:—

PART I.—PRELIMINARY, ss. 1-3.

PART II.—PROBATE AND ADMINISTRATION, ss. 4-57.

PART III.—FOREIGN PROBATES AND ADMINISTRATION, ss. 58-59.

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PART V.—CAVEATS, ss. 83-84.

PART VI.—DUTIES ON DECEASED PERSONS ESTATES AND SUCCESSION DUTIES, ss. 85-126.

PART VII.—MISCELLANEOUS, ss. 127-138.

- Repeal.                   **2.** THE Acts mentioned in the First Schedule are, to the extent therein expressed, hereby repealed.
- Interpretation.       **3.** IN this Act, unless the contrary appears,—
- Administration.       “Administration” includes letters of administration of the estate and effects of deceased persons, whether with or without the will annexed, and whether granted for general, special, or limited purposes; and also exemplification of letters of administration, with or without the will annexed, and such other evidence of letters of administration purporting to be under the seal of a Court of competent jurisdiction as in the opinion of the Court is sufficient.
- Administrator.       “Administrator” includes the Curator and any other person to whom administration, as hereinafter defined, is granted.
- Court.                   “Court” means the Supreme Court or any Judge thereof.
- Curator.               “Curator” means Curator of Intestate Estates.
- Master.                 “Master” includes Deputy Master.
- Personal Estate.      “Personal Estate” extends to leasehold estates and other chattels real, and also to all other property whatsoever which, prior to the coming into operation of the Real Estates Administration Act, by law devolved upon the executor or administrator, and to any share or interest therein.
- Prescribed.           “Prescribed” means prescribed by this Act or the rules or regulations thereunder.
- Probate.               “Probate” includes “exemplification of probate,” and such other formal evidence of probate purporting to be under the seal of a Court of competent jurisdiction, as in the opinion of the Court is sufficient.
- Real Estate.          “Real Estate” extends to messuages, lands, rents, and hereditaments of freehold or any other tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein.
- Will.                   “Will” extends to a testament, and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament, or devise of the custody and tuition of any child by virtue of the Imperial Act Twelfth Charles the Second, Chapter twenty-four, and to any other testamentary disposition.

PART II.—PROBATE AND ADMINISTRATION.

- Jurisdiction of Court as heretofore.      **4.** THE jurisdiction and authority heretofore vested in or exercised by the Court in respect of the estates of deceased persons shall continue to be so vested and exercised.

5. THE Master shall, subject to the rules, perform such duties as heretofore in reference to proceedings in the ecclesiastical jurisdiction of the Court, and such other duties as may be prescribed by the rules.

Duties of Master.

6. THE Court shall have jurisdiction to grant probate of the will or administration of the estate of any deceased person leaving property, whether real or personal, in Western Australia.

Power to grant probate and administration.

7. THE Court may grant probate to one or more of the executors named in any will, reserving leave to the other, who has not renounced, to come in and apply.

Probate may be granted to one or more executors.

8. UPON the grant of probate or administration, all real and personal estate which a deceased person dies seised, possessed of, or entitled to in Western Australia shall, as from the death of such person, pass to and become vested in the executor to whom probate has been granted, or administrator for all the estate and interest of the deceased therein, in the manner following, that is to say:—

Upon grant of probate or administration real and personal estate to vest

(a.) On testacy or on partial intestacy, in the executor or administrator with the will annexed, and

in executor or

(b.) On intestacy, in the administrator.

administrator.

9. ALL real estate held by any person in trust shall vest as aforesaid, subject to the trusts and equities affecting the same.

Real estate to vest subject to trusts.

10. (1.) THE real as well as the personal estate of every deceased person shall be assets in the hands of the executor to whom probate has been granted, or administrator, for the payment of all duties and fees and of the debts of the deceased in the ordinary course of administration.

Real and personal estate to be assets.

(2.) No executor or administrator shall hereafter have or exercise any right of retainer.

No right of retainer.

(3.) An executor to whom probate has been granted or administrator may, for the purposes of administration, subject to the provisions of section seventeen hereof, sell or lease such real estate, or mortgage the same, with or without a power of sale, and assure the same to a purchaser or mortgagee in as full and effectual a manner as the deceased could have done in his lifetime.

Power to sell or lease real estate.

11. SUBJECT as aforesaid, the real estate of every deceased person shall be held by the executor to whom probate has been granted, or the administrator with the will annexed, according to the trusts and dispositions of such will.

Subject as aforesaid real estate to vest according to will.

Executor to have same rights and duties as to real estate as heretofore as to personal estate.

**12.** THE executor to whom probate has been granted, or administrator, shall have the same rights and be subject to the same duties with respect to the real estate of the deceased that executors or administrators respectively heretofore have had or been subject to with reference to personal assets.

Real and personal estate in case of intestacy.

**13.** (1.) SUBJECT as aforesaid and to the provisions of the next four succeeding sections, the administrator on intestacy, or, in case of partial intestacy, the executor or administrator with the will annexed shall hold the real and personal estate vesting as aforesaid, and as to which any person dies intestate in trust for the persons who would be entitled thereto under the Statute of Distributions, and as to the real estate in trust for and as if the same had been devised to such persons as tenants in common.

No executor entitled as such to undisposed of residue,

(2.) No executor, as such, shall be entitled to take beneficially any residue not expressly disposed of by the will of the testator, unless it appear by such will that he is intended so to take.

except where no person otherwise entitled.

(3.) Nothing herein contained shall affect or prejudice any right to which an executor would have been entitled if this Act had not been passed, in cases where there is not any person who would be entitled to the testator's estate in respect of any residue not expressly disposed of.

Interests of husbands and wives in estates of the other of them.

**14.** (1.) A HUSBAND or wife shall be entitled, on the death of the other, as to the property as to which he or she dies intestate, to the following shares only:—

(a.) Where the net value of the property of the deceased does not exceed the sum of five hundred pounds, to the whole of such property;

(b.) Where the net value of such property exceeds the sum of five hundred pounds, to the sum of five hundred pounds absolutely, and also to one-half share of the residue where there is no issue surviving; and where such issue survives, the husband or wife shall be entitled to one-third share of the residue and such issue to the remaining two-thirds, the division among the issue being *per stirpes* and not *per capita*.

(2.) Subject as aforesaid, the property of such deceased husband or wife shall be divisible amongst the next of kin.

(3.) Any husband or wife so entitled to share in real property shall accept the value of such share in lieu of partition, if so desired by all the persons entitled jointly with him or her.

Courtesy and dower abolished.

**15.** NO person shall become entitled to or take any estate by courtesy or right of dower, or any equivalent estate, after the coming into operation of this Act, out of real estate as to which any person dies intestate.



**16.** (1.) WHERE the net value of the real and personal property of a deceased person heretofore or hereafter dying leaving infant issue does not exceed two thousand pounds, the Court may, on the application of any such infant, or of any person on his behalf, authorise the executor or administrator to expend the whole or any part of the share of such infant in his maintenance, advancement, or education.

Court may deal with interest of infants in certain cases.

(2.) The net value of such property shall be ascertained by deducting from the gross value thereof all debts, funeral and testamentary expenses, and all other lawful liabilities and charges to which the said property may be subject.

**17.** NO real estate of which administration has been granted shall be leased for a longer term than three years, or sold or mortgaged without the written consent of all persons beneficially interested, or the order of the Court.

Conditions on which real estate may be leased or mortgaged.

**18.** (1.) WHERE the Court is satisfied that a partition of the real estate of a deceased person, or any part thereof, would be advantageous to the parties interested, the Court may appoint one or more arbitrators, or direct the Master to effect such partition.

Court may direct partition of real estate.

(2.) The award of the arbitrators or order of the Master setting forth particulars of the land allotted to each party interested shall, when confirmed by the Court and registered in the office of the Registrar of Deeds or Registrar of Titles, as the case may be, without the necessity of any further conveyance or transfer, vest in each allottee the land so allotted to him.

(3.) In the case of land subject to the Transfer of Land Act, 1893, each allottee shall be entitled to have issued to him a certificate of title for the land so allotted.

(4.) If any allotment be made subject to the charge of any money payable to any other party interested, for equalising the partition, such charge shall take effect according to the terms and conditions in regard to time and mode of payment, and otherwise, which shall be expressed in such award or order, without the necessity of any further instrument being made or executed; and in case of land subject to the Transfer of Land Act, 1893, the certificate of title shall issue subject to such charge.

**19.** (1.) A PERSONAL representative may at any time, by leave of the Court, and on such conditions as the Court may impose, relinquish his trust to such person as the Court may appoint.

Personal representative may relinquish trust.

(2.) Notwithstanding any such order, such personal representative shall continue liable for all acts and neglects whilst he was acting as executor or administrator, but not otherwise or further.

Executor or administrator to represent real estate.

**20.** IN all proceedings concerning the real estate of a deceased person, his executor, to whom probate has been granted, or administrator, so long as such estate remains vested in him, shall represent such real estate and the persons interested therein in the same manner and to the same extent as in proceedings concerning personal estate.

Pending probate or administration, estate of deceased to vest in Chief Justice.

**21.** UPON the decease of any person, and until probate or administration is granted in respect of his estate, the real and personal estate of such deceased person shall be deemed to be vested in the Chief Justice, in the same manner and to the same extent as aforesaid the personal estate and effects vested in the Ordinary in England.

All creditors to stand in equal degree,

**22.** (1.) IN the administration of the estate of every deceased person, all the creditors of such person shall be treated as standing in equal degree, and be paid accordingly out of the assets, whether legal or equitable.

except secured creditors,

(2.) Nothing herein contained shall prejudice or affect any mortgage, lien, charge, or security which any person may hold or be entitled to for payment of his debt.

and Acts dealing with life policies.

(3.) Nothing herein contained shall affect the provisions of any Act protecting life assurance or other policies against creditors.

Administration in case of intestacy.

**23.** THE practice hitherto in force with reference to granting administration of the estate of an intestate shall, save as hereby altered and subject to the rules, be applicable to administration granted hereunder; and administration of both real and personal estate may be granted in and by the same letters.

Persons entitled to administration.

**24.** THE Court may grant administration of the estate of a person dying intestate to the following persons (separately or jointly) being of the full age of twenty-one years, that is to say to—

(a.) The husband or wife of the deceased or one or more of the next of kin, or

(b.) Any other person, whether a creditor or not, if there be no such person entitled as aforesaid resident within the jurisdiction and fit to be so entrusted, or if the person entitled as aforesaid fails, when duly cited, to appear and apply for administration.

Bond to be executed.

**25.** (1.) EVERY person to whom administration is granted shall, previous to the issue of such administration, execute in the form prescribed by the rules a bond, with one or more sureties, conditioned for duly collecting, getting in, and administering the real and personal estate of the deceased.

(2.) No such bond shall be required from the Curator or any person obtaining administration to the use or for the benefit of His Majesty. No bond required from Curator.

(3.) The Court may dispense with a bond where the applicant for administration is a duly incorporated company, formed for the purpose of (amongst other things) administering the estates of deceased persons. Incorporated company.

**26.** EVERY bond shall be in a penalty equal to the gross amount under which the property of the deceased is sworn; but the Court may dispense with one or both sureties to any bond or reduce the amount of such penalty, or limit the liability of any surety to such amount as the Court thinks reasonable; or, in place of any such bond, the Court may accept the security of any incorporated company or guarantee society approved of by the Court. Penalty of bond.

**27.** THE Court may, at any time, upon the application of any person interested in the estate— Court may

- (a.) Revoke the administration already granted, or revoke administration or
- (b.) Order the administrator to execute a further or additional bond in such sum, with or without sureties, as the Court may direct; and upon default may remove the administrator and appoint another in his place, with power to sue or be sued upon any contract made by the removed administrator. order new or additional bond.

**28.** THE Court may order the Master for and on behalf of His Majesty to assign any bond to some person to be named in such order, and such person, his executors or administrators, shall be entitled to sue upon the bond in his own name, and be entitled to recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach of the condition of the said bond. If condition of bond broken, bond may be assigned.

**29.** IF, upon the application of a surety to any bond, it appear to the Court that the estate is being or is in danger of being wasted, or that the surety is being or is in danger of being in any way prejudiced by the act or default of the person administering the estate, or that any surety desires to be relieved from further liability, the Court may grant such relief as it may think fit. Court may grant relief if estate being wasted or in danger.

**30.** WHERE an executor renounces probate of the will, or dies without having taken probate, or where, being personally cited to take probate, he does not appear to such citation, the right of such In case of renunciation or failure to take probate, right of executor gone.

executor in respect of the executorship shall wholly cease; and the representation to the testator and the administration of his estate shall go, devolve, and be committed in like manner as if such person had not been appointed executor.

Where infant is executor, etc.

**31.** (1.) WHERE an infant is sole executor, administration with the will annexed may be granted to the guardian of such infant, or to such other person as the Court thinks fit, until such infant has attained the age of twenty-one years, with full or limited powers to act in the premises until probate has been granted to the said executor.

(2.) The person to whom such administration is granted shall, unless otherwise ordered, have the same powers vested in him as any ordinary administrator with the will annexed.

Where person entitled to probate or administration is out of the jurisdiction.

**32.** WHEN an executor or any person entitled to probate or administration is out of the jurisdiction, but has some person within the jurisdiction appointed under power of attorney to act for him, administration may be granted to such attorney, but on behalf of the person entitled thereto, and on such terms and conditions as the Court thinks fit.

Court may appoint a manager and receiver pending litigation.

**33.** THE Court may, pending any proceedings touching the validity of any will, or for obtaining, recalling, or revoking any probate or administration, appoint an administrator of the personal estate and a receiver of the real estate of any deceased person, at such remuneration and with such full or limited powers, and with or without a bond or sureties, as the Court may think fit.

Administration with the will annexed.

**34.** WHERE a person dies leaving a will but without having appointed an executor, or leaving a will and having appointed an executor who is not willing and competent to take probate or is resident out of Western Australia, the Court may appoint an administrator of the estate of the deceased, or of any part thereof, upon his giving security as aforesaid, and such administration may be limited as the Court thinks fit.

Probate or administration if executor, etc., absent or neglects to obtain probate, etc.

**35.** WHERE an executor neglects to obtain or to renounce probate within two months from the death of the testator or from the time of such executor attaining the age of twenty-one years, or where an executor is unknown or cannot be found, the Court may, upon the application of any person interested in the estate, or of any creditor of the testator, grant administration with the will annexed to the applicant, and such administration may be limited as the Court thinks fit.

**36.** (1.) IF, at the expiration of six months from the death of any person, the executor to whom probate has been granted, or the administrator, is residing out of the jurisdiction, the Court may, upon the application of any creditor or person interested in the estate, grant to the applicant special letters of administration of the estate of such deceased person, with limited or unlimited powers.

Special letters of administration if executor or administrator not within jurisdiction.

(2.) The applicant shall satisfy the Court that the executor or administrator is resident out of the jurisdiction, and that the applicant is thereby delayed in recovering or obtaining payment of moneys, or the possession of goods and chattels, or real estate to which he is by law entitled, or that the estate is liable to loss or waste.

**37.** (1.) ON the return within the jurisdiction of the executor to whom probate has originally been granted, or the administrator, he may apply to the Court to rescind such special grant; and the Court may make such order upon such terms and conditions as to the Court may seem fit, and thereafter the original probate or administration shall be and remain as valid and effectual as if such special grant had never been made.

On return of executor or administrator, special administration may be revoked.

(2.) Upon any order being made for the rescission of any special grant, the special administrator shall be bound to account to the original executor or administrator, and to pay over all moneys received by him and then remaining in his hands.

**38.** SHOULD an executor or administrator neglect to apply for an order for the rescission of any special grant as aforesaid, he shall, until such special grant is rescinded, be liable to make good all claims and demands against the estate of the deceased to the extent of the assets which have come to his hands, or which might have come to his hands but for his wilful neglect or default, including the neglect herein mentioned.

Absent executor liable to account.

**39.** WHERE probate or administration is revoked or rescinded, pending any proceedings commenced by or against any executor or administrator lawfully acting as such, such proceedings shall be continued in the name of the executor or administrator appointed on such revocation or rescission as if the same had been originally commenced by or against such last-mentioned executor or administrator.

Revocation pending litigation not to abate proceedings.

**40.** IF an executor who has obtained probate, or an administrator with the will annexed, after request in writing, neglects or refuses to—

Devisee or legatee may apply to Court in certain cases.

(a.) Execute a transfer or conveyance of land devised to a devisee, or

(b.) Transfer, pay, or deliver to the person entitled any bequest, legacy, or residuary bequest,

such devisee or person may apply for an order upon such executor or administrator to comply with such request, and the Court may make such order as it thinks fit.

Inventory and accounts.

**41.** (1.) EVERY person to whom probate or administration is granted shall file an inventory of the estate of the deceased, and pass his accounts relating thereto within such time, and from time to time, and in such manner as may be prescribed by the rules or as the Court may order.

(2.) The order of the Court allowing any account shall be *prima facie* evidence of the correctness of the same, and shall, after the expiration of three years from the date of such order, operate as a release to the person filing the same, except so far as it is shown by some person interested therein that a wilful or fraudulent error, omission, or entry has been made in such account.

If accounts not filed, Master to give notice, etc.

**42.** (1.) IF an executor or administrator neglects to file an inventory or to pass accounts within one month after the expiration of the period fixed by the rules, the Master shall cause such executor or administrator to be notified of such neglect.

(2.) In case of further neglect for the period of one month, the Master shall apply for an order upon such executor or administrator to file such inventory or exhibit such account forthwith.

(3.) No proceedings under this section shall affect the liability of the executor or administrator to be proceeded against for an account and administration, or prevent the Court from ordering the assignment of any bond to any person with a view of enforcing the penalty thereof as hereinbefore mentioned.

Court may settle all questions arising in administration.

**43.** (1.) THE Court may make such order with reference to any question arising in respect of any will or administration, or with reference to the distribution or application of any real and personal estate which an executor or administrator or Curator may have in hand, or as to the residue of the estate, as the circumstances of the case may require.

(2.) Such order shall bind all persons whether *sui juris* or not.

(3.) No final order for distribution shall be made except upon notice to all the parties interested, or as the Court may direct.

Payments made before revocation to be valid.

**44.** (1.) WHERE any probate or administration is revoked or rescinded, all payments *bona fide* made to the executor or administrator before the revocation or rescission shall be a legal discharge to the person making the same.

(2.) The executor or administrator who has acted under any revoked or rescinded probate or administration may retain and reimburse himself, or shall be entitled to be reimbursed, in respect of all payments made by him before revocation or rescission, in the same manner as if such revocation or rescission had not taken place.

**45.** ALL persons making or permitting to be made any payment or transfer *bona fide* upon any probate or administration granted under the authority of this Act shall be indemnified and protected in so doing, notwithstanding any defect or circumstance whatsoever affecting the validity of such probate or administration not then known to such person. Payments, etc., to be valid notwithstanding defect.

**46.** (1.) WHERE an executor or administrator has given such notice as may be determined by the Court or a Master or by rules, or such or the like notice as would, in the opinion of the Court, have been given by the Court in an administration suit for creditors and others to send in their claims against the estate, such executor or administrator may, at the expiration of the time named in the last of such notices for sending in claims, distribute the assets of the deceased or any part thereof amongst the persons entitled thereto, having regard to the claims of which such executor or administrator has then notice. Executor may distribute after certain notice.

(2.) An executor or administrator shall not be liable for the assets, or any part thereof, so distributed to any person of whose claim he has not had written notice at the time of such distribution.

(3.) An executor or administrator may apply to the Court *ex parte* to determine the length or nature of the notices to be given.

**47.** (1.) WHEN an executor or administrator has given the notices in the last preceding section mentioned, and a claim against the estate is sent in, he may serve upon the person by whom or on whose behalf the claim was sent a notice calling upon him to take proceedings to enforce his claim within a period of three months, and to duly prosecute the same. Executor, etc., may require claimant to establish claim.

(2.) If, at the expiration of such period, such person does not satisfy the Court that he is duly prosecuting his claim, the Court may make an order barring the claim.

**48.** (1.) WHERE an executor or administrator liable as such under any lease or agreement for a lease or any conveyance on chief rents or rent charges or agreement for such conveyance granted or assigned to or made and entered into with the testator or intestate whose estate is being administered to— Liability under lease.

(a.) The rents, covenants, or agreements contained in any such lease or agreement for a lease, or

(b.) The rents, covenants, or agreements contained in any such conveyance or agreement for such conveyance, whether any such rent be by limitation of use, grant, or reservation, has—

- (i.) Satisfied all such liabilities under the said lease, or conveyance, or agreement for a lease or for a conveyance, as may have accrued due and been claimed up to the time of the assignment or conveyance hereinafter mentioned, and
- (ii.) Set apart a sufficient sum to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee or grantee to be laid out on the property demised or conveyed, although the period for laying out the same may not have arrived, and
- (iii.) Assigned the lease or agreement for a lease, or conveyed such property, or assigned the agreement for such conveyance as aforesaid to a purchaser,

he may distribute the estate of the testator or intestate remaining in his hands amongst the parties entitled thereto respectively, without appropriating any part, or any further part thereof, as the case may be, to meet any future liability under any such lease or conveyance, or agreement for a lease or for a conveyance.

(2.) An executor or administrator so distributing such estate shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under any such lease or conveyance, or agreement for a lease or for a conveyance.

Assets may be followed.

**49.** NOTHING in the last preceding section contained shall prejudice the right of any creditor or claimant or lessor or grantor, or those claiming under any lessor or grantor, to follow the assets or estate, or any part thereof, into the hands of the persons, or any of them, among whom the same may have been distributed, or who may have received the same.

Power of executor or administrator as to debts.

**50.** AN executor or administrator may—

- (a.) Pay any debts or claims upon any evidence that he may think sufficient, or
- (b.) Accept any composition or any security real or personal for any debts due to the deceased, or
- (c.) Allow any time for the payment of any such debts, or
- (d.) Compromise, compound, or submit to arbitration all debts, accounts, claims, and things whatsoever relating to the estate of the deceased, and



for any of the purposes aforesaid enter into, give, and execute such agreements, deeds, releases, and other things as he thinks expedient, without being responsible for any loss occasioned thereby.

**51.** (1.) EVERY executor or administrator appointed under this Act, or named in any probate or letters of administration granted by any Court of competent jurisdiction in any portion of His Majesty's dominions, and making application under this Act for the sealing of such probate or administration, shall be deemed to be resident in Western Australia.

Executor deemed to be resident in State.

(2.) Where not actually so resident he shall, before the issue or sealing of any probate or administration, file with the Master an address within the city of Perth at which notices and processes may be served upon him, and all services at such registered address shall be deemed personal service.

**52.** (1.) FOR the purpose of receiving applications for probate or administration under this Act, the Court may appoint such person as it may think fit in any town beyond thirty miles from Perth where a Local Court is held, to act as district agent for the Master.

Court may appoint district agents.

(2.) All district agents may, for the purposes of this part of this Act, administer oaths, take declarations and affirmations, and exercise any other powers which can be exercised by Commissioners of the Supreme Court.

**53.** IN all cases where a person dies leaving property not exceeding five hundred pounds in value, application for probate or administration may be made direct to the Master; or if the fixed abode of the deceased at the time of his death has been more than thirty miles from Perth, then to the district agent for the Master nearest to such place of abode.

Where estate below £500, the Master or district agent may act.

**54.** (1.) THE Master or district agent shall, upon being satisfied as to the identity of the applicant, and his right to administer the estate of the deceased, and the value of such estate, furnish him, free of cost, with all necessary information for the purpose of enabling him to fill up the affidavits and documents necessary for obtaining probate or administration as the case may be.

Information to be furnished by Master or agent.

(2.) The Master or district agent shall receive payment of all proper fees fixed by the Rules of the Court in connection with the application.

**55.** (1.) THE district agent 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 applicant upon demand.

Applications to be transmitted by agent to Master.

(2.) The Master shall, upon being satisfied with the sufficiency of the evidence in support of the application, and that the estate does not exceed five hundred 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 delivered to the applicant on demand, or shall forward the same to the district agent for delivery by him to the applicant.

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

Master to refer matter back to agent if not satisfied.

**56.** (1.) IN any case where the Master is not satisfied, he shall state the matters in respect of which he is not satisfied, either to the applicant or to the district agent transmitting the application.

(2.) Such agent shall then inform the applicant accordingly, and shall take such further steps as may be proper to enable the applicant to satisfy the Master in respect of such matters.

Master may refer to Court.

**57.** IN no case shall the Master be under any obligation by reason of this Act to deal with any application which he may think proper to be dealt with by the Court or to be placed in the hands of a solicitor.

### PART III.—FOREIGN PROBATES AND ADMINISTRATION.

Foreign probates, etc., may be sealed.

**58.** (1.) WHEN any probate or administration heretofore or hereafter granted by any Court of competent jurisdiction, in any portion of His Majesty's dominions, is produced to and a copy thereof deposited with the Master by any person being the executor or administrator therein named, or by any person duly authorised by power of attorney in that behalf, under the hand and seal of such executor or administrator, such probate or administration may be sealed with the seal of the Court.

(2.) When so sealed, such probate or administration shall have the like force, effect, and operation in Western Australia, and every executor and administrator thereunder shall perform the same duties and be subject to the same liabilities as if such probate or administration had been originally granted by the Court.

(3.) The Court may require any such executor or administrator, or person authorised as aforesaid, to give security for the due administration of the estate in respect of matters or claims in Western Australia.

Duties to be paid.

**59.** THE seal of the Court shall not be affixed to any such probate or administration until such duties and fees have been paid, and bond entered into, by such executor or administrator or his attorney as aforesaid, as would have been payable or required if

such probate or administration had been originally granted by the Court.

PART IV.—CURATOR OF INTESTATE ESTATES.

**60.** (1.) THE Curator of Intestate Estates shall be an officer of the Court, and be appointed and removed in the same manner and by the same authority as the Master. Curator to be officer of Court.

(2.) The Curator shall exercise the powers and perform the duties hereby conferred or imposed, and such other duties as may be prescribed by rules.

(3.) During the illness or absence of the Curator, the Governor may appoint some person to act as Curator, and during such illness or absence such person shall act as the Curator and exercise all the powers and perform all the duties of Curator.

**61.** (1.) THE Curator shall be a *corporation sole* with a common seal, and with full power to sue and be sued, and to hold, dispose of, and deal with real and personal property under the style of "The Curator of Intestate Estates." Curator to be corporation sole.

(2.) Every Court shall take judicial notice of the signature and seal of the Curator.

(3.) All real and personal estate vested in the present Curator, by virtue of any vesting or administration order, shall be vested in and be held and dealt with by him under the style and in manner aforesaid.

(4.) All contracts made by or with the Curator verbally or in writing, with or without a seal, shall be as binding as the same would be if made between private persons.

**62.** THE Curator may appoint any persons to act as his agents for the purpose of administering all or any estates in his hands; and such agents shall in all respects act in the management, collection, and getting in of such property under the direction of the Curator, who shall not be answerable for any act or omission of any such agents not in conformity with any such direction, or which has not happened by the said Curator's own default or neglect. Curator may appoint agents.

**63.** (1.) THE Curator shall take and retain a commission of one per centum on the total value of every estate in respect of which an order to collect or grant of administration is made, and four per centum on all moneys actually collected or received by him or his agents. Fees of Curator.

(2.) The Curator shall pay such commission into the Treasury for public uses after deducting therefrom an allowance not exceeding three pounds per centum by way of commission to his agents in respect of all moneys collected by them.

Order to collect.

**64.** THE Court may grant to the Curator an order to collect the estate of any deceased person, or any person reasonably supposed to be dead, leaving real or personal estate within the jurisdiction, in any of the following cases :—

- (a.) Where such person leaves no executor, widow, or next of kin resident within the jurisdiction and willing and capable of acting in execution of his will or administration of his estate :
- (b.) Where the executors named renounce probate of the will of the deceased, and all the persons primarily entitled to administration by writing filed with the Master decline to apply for administration :
- (c.) Where probate or administration is not applied for within three months after the death of such person :
- (d.) Where the estate or any portion thereof is unprotected or liable to waste, and the executor or widow or next of kin is absent from the locality of the estate, or is not known or has not been found :
- (e.) Where the estate or any substantial portion thereof is of a perishable nature.

Effect of order to collect.

**65.** AN order to collect the estate shall empower the Curator to obtain possession and delivery of, and to collect and manage the real and personal estate of, the deceased person, and for such purposes to have and exercise all the powers and authorities of a receiver and manager thereof, including power to carry on any business with the consent of the Court.

Curator may obtain administration.

**66.** AT the expiration of three months from the death of any person in respect of whose estate an order to collect has been granted, where the total value of the estate does not exceed one hundred pounds, and at the expiration of six months from such death in all other cases, unless probate or administration thereof has been sooner granted, the Court may grant administration of the estate of such person, with or without the will annexed, to the Curator.

Probate or administration may be granted by Court.

**67.** (1.) NOTWITHSTANDING an order authorising the Curator to collect, or granting administration to the Curator, the Court may grant probate of the will or administration of the estate to any person entitled as aforesaid, in such manner and subject to such limitations or conditions as it thinks proper.

(2.) No application for any such grant shall be made until seven days after notice in writing has been left at the office of the Curator.

(3.) The Curator shall be entitled to administration in preference to any creditor applying in that capacity, where the estate does not exceed in value three hundred pounds, unless the Court or Judge otherwise orders.

**68.** (1.) IMMEDIATELY on the grant of any such probate or administration as last aforesaid, all the interest, powers, rights, and duties of the Curator in regard to the estate affected by such grant, and all liabilities of the Curator under any contract or agreement entered into by him in relation to such estate, shall cease.

On grant of probate powers of Curator to cease.

(2.) Such portion of the estate as is left unadministered by the Curator, and all rights and obligations of the Curator, in respect thereof, shall vest in and be binding upon the executor or administrator obtaining such probate or administration.

(3.) Nothing herein contained shall interfere with the allowance and payment of all commissions due to the Curator, and the necessary disbursements, costs, charges, and expenses in relation to such estate.

(4.) Nothing herein contained shall relieve the Curator from any liability in respect of his management of the estate up to the time of granting such probate or administration.

**69.** THE Curator shall, once every month, publish in the *Government Gazette* and in such newspaper as he deems expedient a statement, in the prescribed form, setting forth the particulars of all estates in connection with which an order to collect has been made during the preceding month.

Curator to advertise.

**70.** (1.) ANY person interested as creditor, next of kin, or otherwise, in the real or personal estate of any deceased person which the Curator has been ordered to collect may, on the neglect or the refusal of the Curator to do any act in relation to the administration of such estate, or on his doing or threatening to do any act in breach of his duty with reference to the said estate, apply to the Court for an order directing the Curator to do or abstain from doing such act.

Person interested may apply to Court.

(2.) Any such order may be granted subject to such conditions as the Court may impose.

**71.** WHERE an order to collect is made, the Court may, on the application of the Curator or of any person interested in the estate, after notice to the Curator, make such orders touching the collection and management of the estate as to the Court seems meet; and for such purposes the Court may direct the sale of the whole or any part of such estate where such a course is apparently advantageous.

Court may direct sale.

All matters to be settled by Judge.

**72.** WHERE the estate of any deceased person is being collected or administered by the Curator, all disputes and matters touching the collection, management, or administration of the same, and all claims and demands thereon, shall, unless the Court otherwise directs, and except as hereinafter provided, be decided by the Court on summons.

Curator to advertise for creditors and to pay debts.

**73.** (1.) THE Curator shall cause advertisements to be published in the *Government Gazette*, and such public newspapers as he deems expedient, calling upon the creditors of the persons whose estates he has been authorised to administer to come in and prove their debts before him, on or before a time to be fixed in such notice.

(2.) The Curator may allow any claim which is made before him upon such evidence as he thinks fit.

(3.) The Curator shall, as soon after the expiration of the time allowed for proof of debts as he conveniently can—

(a.) Pay the debts proved, if the whole thereof can be paid, and, if not,

(b.) Declare and pay a dividend thereon.

(4.) If he collects any further assets after making such payment, he shall pay any part of the proved debts remaining unpaid, and any debts subsequently proved before him (or a dividend thereon, as the case may be).

(5.) Such creditors as subsequently prove shall first be paid a dividend equal to the dividend paid to creditors having previously proved their debts.

(6.) After payment of all debts, fees, and expenses incident to the collection, management, and administration of such estate, the Curator shall pay over the residue to the personal representative, if any, of the deceased so soon as such representative obtains administration or probate.

(7.) Where, after advertisement of the Curator, probate or administration is granted to any other person, such person need not further advertise.

No distribution to be made until will proved or administration obtained.

**74.** (1.) NO part of any estate administered by the Curator shall be distributed until administration or probate has been obtained under section sixty-seven, except as next provided.

(2.) If, at the expiration of one month from the time fixed by the advertisement for creditors to come in and prove their debts, no debt has been proved, or no creditor, having proved, remains unpaid, the Curator, with the approval of the Court, may pay any sum not exceeding fifty pounds to any person claiming to be a party in distribution, or to be a legatee under a will, without

administration having been obtained or the will being proved, and upon such evidence of the right or title of the party so claiming as the Court may, under the circumstances, deem sufficient.

**75.** (1.) THE Curator shall—

Curator to keep certain accounts.

- (a.) Make or cause to be made an inventory or list of all the estates of the persons which he has been ordered to collect or administer, and retain the same in his office, and
- (b.) Keep an account of all his receipts, payments, and dealings in every such estate, and
- (c.) Retain all letters received and copies of all letters written by him, and all deeds, papers, and writings of and relating to such estates, and
- (d.) Permit all persons interested to inspect and take copies of the same and of all proceedings relating thereto, at all reasonable hours, or
- (e.) Furnish office copies thereof on payment of the prescribed fees.

(2.) The Curator shall forthwith pay all moneys received by him to the Colonial Treasurer, to the credit of an official account to be operated on by him as such Curator, subject to the directions of the Colonial Treasurer.

**76.** THE receipt, in writing, of the Curator for any moneys payable to him under this Act shall be sufficient discharge to the persons paying the same, who shall not afterwards be liable for any misapplication thereof.

Receipt of Curator.

**77.** THE Curator shall—

Curator to transmit accounts to Treasurer.

- (a.) Transmit to the Colonial Treasurer, in the months of January and July in every year, a return of all moneys received and paid by him, or any agent for him, during the six months immediately preceding, in respect of the estates intrusted to him to collect or administer, distinguishing the particular estate in which the same have been so received or paid;
- (b.) Furnish at the same time a separate and distinct return of all balances or sums whatsoever then in his hands to the credit of each of such estates; and
- (c.) Keep proper books of account in reference thereto, which shall, once in every twelve months, or oftener if necessary, be examined and passed by the Auditor General, or some officer appointed by him in that behalf.

Curator not personally liable.

**78.** (1.) NEITHER the Curator nor any of his agents shall be personally liable to any person in respect of goods or chattels in the possession of any testator or intestate at the time of his death, which are sold by the Curator or any such agent as the goods of such testator or intestate, unless the Curator or agent knows or has actual notice before the sale that such goods or chattels are not in fact the property of such testator or intestate.

(2.) Neither the Curator nor any of his agents shall be personally liable to any person for any act done *bona fide* in the performance of their duties respectively, unless it is shown that such act was done with gross negligence.

Sale by Curator of goods of third person.

**79.** IN case of any sale by the Curator or his agents of goods or chattels belonging to any third person, the amount realised by the sale thereof shall be paid over by him to the owner, upon proof of ownership, unless the same has been applied in the payment of the debts of the deceased, or has been distributed according to any will of the deceased, or in the ordinary course of administration, whilst the Curator or any such agent was in ignorance and without actual notice of the claim of such person to the goods or chattels so sold.

If real estate has escheated.

**80.** (1.) IF it appears on office found that any real estate vested in the Curator has escheated to His Majesty, the same shall be sold, and the net proceeds of sale of such estate shall be paid by the Curator to the Colonial Treasurer, and be by him carried to the credit of the consolidated revenue.

(2.) The Curator's conveyance or transfer of such real estate to the purchaser thereof shall operate to pass the right, title, and interest of the deceased intestate to such purchaser as in any other case.

Moneys to be paid to Treasurer if unclaimed for six years.

**81.** (1.) THE Curator shall, in the first week in January in each year, cause all sums of money which shall, on the first day of that month, have been standing to the credit of any estate, the order to collect in connection with which estate has been made six years prior to such date, to be paid to the Colonial Treasurer for the public service.

Land to be transferred if unclaimed for twelve years.

(2.) If twelve years shall elapse from the time when any real estate of a deceased person shall have been taken possession of under or been subject to an order to collect or to administer, and such estate shall remain vested in the Curator, the said estate shall thenceforth vest absolutely in and become the property of the Crown.

As to existing estates being dealt with by the Curator.

**82.** (1.) ALL estates being dealt with by the Curator, or under any vesting order made under the Deceased Persons Estate Act,



1883, shall be dealt with hereafter as if such vesting order were an order to collect granted under this Act.

(2.) All estates being administered by the Curator under any order to administer granted under the said Act shall continue to be administered as if such order were an administration granted under section sixty-six of this Act.

#### PART V.—CAVEATS.

**83.** (1.) ANY person may lodge with the Master a caveat Caveat. against any application for probate or administration, or for the sealing of any probate or letters of administration under this Act, at any time previous to such probate or administration being granted or sealed.

(2.) Every such caveat shall set forth the name of the person lodging the same, and an address within the city of Perth at which notices may be served on him.

**84.** (1.) IN every case in which a caveat is lodged the Court Court may remove caveat. may, upon application by the person applying for probate or administration, or for the sealing of any probate or letters of administration, as the case may be, remove the same.

(2.) Every such application shall be served on the caveator by delivering a copy of the same at the address mentioned in his caveat.

(3.) Such application may be heard and order made upon affidavit or oral evidence, or as the Court may direct.

#### PART VI.—DUTIES ON DECEASED PERSONS' ESTATES AND SUCCESSION DUTIES.

##### *Interpretation.*

**85.** IN this Part of this Act—

Interpretation.

“Commissioner” means such person as may hereafter be appointed Commissioner of Stamps, and until such appointment is made means the Master of the Supreme Court.

“Duty” or “Duties” means estate or succession duty or duties payable under this Act.

“Final balance” means the balance appearing upon any statement certified by the Commissioner.

“Trustee” means the trustee or trustees of any settlement or deed of gift as hereinafter defined.

*Duties on Deceased Persons' Estates.*

Duties payable by executor or administrator.

**86.** EVERY executor and administrator shall pay to the Commissioner duty on the final balance of the real and personal estate of the deceased, according to the rates set forth in the Second Schedule:

Provided that, in so far as beneficial interests pass to persons *bona fide* residents of and domiciled in Western Australia, and occupying towards the deceased the relationship set forth in the Third Schedule, duty shall be calculated so as to charge only one-half of the percentage upon the property so acquired by such persons.

Duty to be a first charge on real and personal estate.

**87.** THE duty payable under this Act shall be deemed a debt of the testator or intestate to His Majesty, and shall be a first charge upon the property derived from the deceased, and shall be paid by any executor or administrator out of the estate of the deceased after payment of the funeral and testamentary expenses, in priority to all other debts.

*How Duty ascertained.*

Executor or administrator to file statement.

**88.** FOR the purpose of ascertaining the amount of duty, every executor and administrator shall, within three months from the grant of probate or administration, file with the Commissioner a statement in the prescribed form, verified by affidavit, specifying full particulars of—

- (a.) The real and personal estate of which the deceased person was possessed or entitled to at his death, and the value thereof at the time of his death;
- (b.) The debts due by the deceased person, distinguishing between secured and unsecured debts, and stating the nature of the security held, and the estimated value thereof;
- (c.) The balance remaining after deducting the amount of the debts from the value of the estate of the deceased person; and
- (d.) All such further information as the Commissioner may require for the purpose of enabling him to ascertain the duty.

If the probate or administration is limited to any particular property, the statement shall be limited to such particular property.

Property disposed of by way of *donatio mortis causá* liable to duty.

**89.** ALL property the subject-matter of a gift by way of a *donatio mortis causá* shall, upon the death of the person making such gift, be subject to duty under this Act, and shall vest in the executor or administrator until such duty shall have been paid and

shall have been refunded to the executor or administrator. The executor or administrator shall include such property in his statement, and shall pay duty upon its net value.

**90.** THE Commissioner may extend the time within which the executor or administrator is to file the statement, and after the statement has been filed he may permit the executor or administrator to add to, alter, or vary it. When such statement, with such addition, alteration, or variation (if any), shall have been approved by the Commissioner, he shall certify such approval in the prescribed form.

Commissioner may extend time for filing statement.

**91.** IF the executor or administrator of the estate of any deceased person shall not file the statement within the prescribed time, or such extended time as the Commissioner may allow, or if probate or administration shall not be obtained in respect of the estate of any deceased person within six months after his death, or if the Commissioner shall be dissatisfied with any statement filed in respect of the estate of any deceased person, or any property derived from him, the Commissioner may assess the duties in the prescribed manner.

If statement not filed, or Commissioner dissatisfied therewith, etc., the Commissioner may assess duty.

**92.** IF, after the grant and before the issue of probate or administration, the duty in respect thereof is secured to the satisfaction of the Commissioner, or is in part paid and in part so secured, the Master shall cause the probate to be produced at his office and before any Court, at the expense of the executor or administrator, as occasion may require; but no probate or administration shall issue from the Master's office until the Commissioner certifies, in writing, that the duty payable under this Act has been paid. On the issue of probates or administration, the Master shall certify by indorsement that the duty has been paid, and the amount thereof.

Probate and letters may be produced, but may not issue till duty paid.

**93.** EVERY executor or administrator appointed during the minority or absence from the State of any person shall file the said statement and pay the duty.

As to administration during minority or absence from the State.

#### *Settlements and Deeds of Gift.*

**94.** FOR the purposes of this Act "Settlement" shall mean and include every conveyance, transfer, appointment under power, declaration of trust, or other non-testamentary disposition of property made by any person, either before or after the commencement of this Act, containing trusts or dispositions to take effect after the death of the settlor or any other person when such settlor or other person shall not have died before the coming into operation of this Act.

Settlement.

Deed of gift.

**95.** FOR the purposes of this Act, "Deed of gift" shall mean and include every deed of gift absolute and every deed of conveyance, transfer, appointment under power, declaration of trust, or other non-testamentary disposition of property made by any person after the commencement of this Act, and containing trusts or dispositions to take effect during his lifetime, and not being a settlement within the meaning of this Act, and not being made before and in consideration of marriage or in pursuance of a binding contract entered into before and in consideration of marriage, or in favour of a *bona fide* purchaser or incumbrancee for valuable consideration, and whether or not the property comprised in such deed is subject to any limitation.

Property comprised in settlements and deeds of gift liable to succession duties.

**96.** THE property given or accruing to any person under any settlement shall, upon the death of the settlor or other person upon whose death the trusts or dispositions are to take effect, be chargeable with succession duty according to the scale in the Second Schedule.

The property given or accruing to any person under any deed of gift shall, in the event of the death of the donor within six months from the date of the deed of gift, be chargeable immediately after such death with succession duty according to the scale in the Second Schedule, except in cases of death by accident.

Such duty shall be a first charge upon the property on which the same is imposed, but subject to any moneys secured or charged before such settlement or deed of gift upon the property comprised therein:

Provided that, in so far as by any settlement or deed of gift beneficial interests pass to persons *bona fide* residents of and domiciled in Western Australia, and occupying towards the deceased the relationship set out in the Third Schedule, the duty shall be calculated so as to charge only one-half of the percentage upon the property so acquired by any such persons.

Property in settlements and deeds of gift on which duty payable.

**97.** FOR the purposes of this Act, property comprised in a settlement or deed of gift shall be subject to duty in so far as it comprises or is portion of, or is payable out of—

- (a.) The real property in the State of the settlor or donor (including real property over which he had a general power of appointment, exercised by the settlement or deed of gift);
- (b.) His personal property, wherever the same shall be (including personal property over which he had a general power of appointment, exercised by the settlement or deed of gift), if he was at the time of the settlement or deed of gift domiciled in the State; or

- (c.) His personal property in the State (including personal property over which he had a general power of appointment, exercised by the settlement or deed of gift), including all debts, money, and choses in action receivable or recoverable by him in the State, if he had not, at the time of the settlement or deed of gift, a domicile within the State.

**98.** EVERY settlement and every deed of gift shall be registered either within three months or within such further time as the Commissioner may allow, after the duty in respect of any property accruing thereunder shall become chargeable as hereinbefore provided.

Settlements and deeds of gift to be registered.

**99.** THE registration of every settlement and every deed of gift shall be effected by the trustee, or some person interested thereunder, producing the same to the Commissioner, and leaving an attested copy thereof with him, which copy the Commissioner shall cause to be examined with the original. If he shall find the same to be correct he shall indorse and sign a certificate of registration on the original settlement or deed of gift, to the effect that the same was produced to him, and that an attested copy was left with him, and specifying the date when the same was so produced and the attested copy so left with him as aforesaid. The Commissioner shall charge upon every such registration a fee of ten shillings.

Mode of registering.

**100.** IN case of any instrument registered under the Transfer of Land Act, 1893, or any other statute, a duly certified duplicate or copy may be produced instead of the original for registration under this Act, and a certificate of registration indorsed thereon shall have the same effect as if indorsed on the original.

If settlement or deed of gift registered, a certified copy to be produced in lieu of original.

**101.** THE trustee of every settlement or deed of gift, or such other person interested thereunder as the Commissioner shall direct so to do, shall, within three months, or within such further time as the Commissioner shall allow, after the duty shall become chargeable on any property accruing thereunder, file with the Commissioner a statement in the prescribed form setting forth—

Trustee or other person to file statement.

- (a.) The net present value at the time of the duty becoming chargeable of any property given or accruing to any person under the settlement or deed of gift ;
- (b.) The net present value of any property given or accruing under the settlement or deed of gift to an uncertain person or on an uncertain event, including property over which a special power of appointment is given, such value to be estimated as if such property had been given by way of vested remainder to a certain person ;

(c.) All such further information as the Commissioner shall demand for the purpose of enabling him to ascertain the duty payable.

After such statement has been filed, the Commissioner may permit the trustee or any other person interested under the settlement or deed of gift to add to, alter, or vary it.

Commissioner's approval of statement.

**102.** WHEN such statement, with such addition, alteration, or variation (if any) shall have been approved by the Commissioner, he shall certify such approval in the prescribed form.

After approval trustee or other person to pay duty out of property.

**103.** AFTER such approval the trustee, or such person interested under the settlement or deed of gift as shall be required by the Commissioner so to do, shall pay out of the property comprised in the settlement or deed of gift the duty or duties to be assessed by the Commissioner. Such duty or duties shall be payable immediately after the Commissioner shall have made the assessment. The Commissioner may extend the time for payment.

Commissioner may require payment before he finally approves statement.

**104.** THE Commissioner may, if he deems it desirable, require payment from the trustee, or such other person as in the last preceding section mentioned, of the duty appearing by the statement to be chargeable before he has certified his approval. The duty shall thereupon immediately become payable, but the amount thereof shall be subject to adjustment by the Commissioner when he has certified his approval of the statement.

If not registered, Commissioner may assess duty.

**105.** IF such settlement or deed of gift be not registered within the prescribed time, or such further time as the Commissioner may allow, or if the statement in section one hundred and one mentioned shall not be filed within the prescribed time, or such further time as the Commissioner shall allow, or if the Commissioner shall be dissatisfied with any such statement, he may assess the duty in respect of any property accruing to any person under such settlement or deed of gift.

Property conveyed or assigned in anticipation of passing of Act, or to evade duty, liable to duty.

**106.** (1.) IF any person has made, or shall hereafter make, any conveyance, assignment, gift, delivery, transfer, declaration of trust, or other non-testamentary disposition, whether in writing or otherwise, of any property, real or personal, or of any money or securities for money, or has given or shall give any mortgage or incumbrance, or has incurred or shall incur any debt, with intent to evade the payment of duty hereunder, such disposition, mortgage, or incumbrance, or the incurring of such debt, shall be deemed, so far as the circumstances will admit, to be a deed of gift under section ninety-five hereof, and any property accruing to any person

thereunder shall be liable to duty as if the donor had died within six months from the date thereof, but double duty shall be payable in respect of such property.

(2.) In any case within this section the Court may, on the application of the Commissioner, by summons or petition, declare the disposition, mortgage, incumbrance, or debt in question to have been made, given, or incurred with intent to evade the payment of duty hereunder, and may also declare that double duty is payable in respect of the property accruing thereunder, and may order that some person shall file a statement in respect of such property and pay such duty. Upon such declaration and order being made, all the provisions of this Act shall, so far as circumstances will admit, be applicable to such case as if such person were trustee of a deed of gift under this Act, and the donor had died within six months from the date of such deed of gift, and such disposition, mortgage, or incumbrance, or the creation of such debt, were the deed of gift under which he took the property comprised therein.

#### *Valuation.*

**107.** (1.) IF the Commissioner shall be dissatisfied with the value put upon any real or personal estate in any statement, he shall appoint a valuator to value such real or personal estate, or any part thereof, and shall communicate his valuation to the executor, administrator, or trustee.

Valuation of estate when Commissioner or executor or administrator is dissatisfied.

(2.) If there is any difference between the value as set forth in the statement and such valuation, the Commissioner may—

- (a.) Agree with the executor, administrator, or trustee, upon the value to be adopted; or
- (b.) Summon before him the executor, administrator, or trustee, or his valuator, and the valuator so appointed by the Commissioner and other persons, and may administer oaths and take evidences either *viva voce* or by affidavit, and require the production of books, papers, accounts, and documents.

(3.) The Commissioner shall, upon such evidence, determine the value of such real or personal estate, and any executor, administrator, or trustee who is dissatisfied or (if there shall not have been any summons issued by the Commissioner) who is dissatisfied with the valuation of the valuator appointed by the Commissioner, may, within twenty-one days after such determination, or the communication of such valuation, whichever may be appealed against, and upon paying or securing to the satisfaction of the Commissioner the duty in conformity therewith, appeal to the Court against such determination or valuation.

(4.) If it is decided by the Court that the value upon which such duty has been paid or secured is excessive, the Court shall direct the repayment or remission of the duty in respect of such excess.

(5.) But, if the value determined by the Commissioner is confirmed, the costs incurred by him in relation to the appeal shall be ordered by the Court to be paid by the appellant.

*Sales for Non-payment of Duty.*

Property may be ordered to be sold.

**108.** (1.) THE executor, administrator, or trustee, or any person required to pay duty under section one hundred and three, may, if he shall require the assistance of the Court in that behalf, apply to the Court for an order that the whole or a sufficient portion of any property subject to duty may be sold to pay the duty.

Commissioner may obtain order for sale of property to pay duty.

(2.) If any duty shall not be paid, the Commissioner may apply to the Court for an order that a sufficient portion of any property subject to the duty may be sold.

Court may thereupon order sale.

(3.) The Court may thereupon order that the whole or such portion of the said property as it thinks proper may be sold, at such times, for such prices, and in such manner, and subject to such terms and conditions in all respects, as it may deem advisable, and may make such order as to the costs of and consequent upon such application, proceedings, and sale as it may deem advisable.

Application of moneys arising from sale.

(4.) The moneys arising from such sale shall be applied in the first place toward paying the costs and expenses, if so ordered, of and consequent upon any such application, proceedings, or sale, and in the next place towards the payment of the said duty, and the balance shall, subject to the provisions of the next following subsection, be paid to or held or disposed of by the executor, administrator, or trustee upon the same trusts as the property sold would have been held and disposed of.

Court may make order as to disposal of surplus moneys.

(5.) The Court may make any order that may seem just as to such surplus moneys, and as to the disposal or investment thereof, and as to the person or persons to whom the same or the interest thereof shall be paid.

Purchaser not bound to inquire.

**109.** NO purchaser from any person required to pay duty under section one hundred and three, or from any trustee, in any case where such person or trustee shall make a sale purporting to be made under section one hundred and eight hereof, and no purchaser at any sale purporting to be made under any order obtained under this Act, shall be bound or concerned to see or inquire whether such trustee or person has power to sell, or as to the necessity of such sale, or whether such order was properly obtained or whether such sale is



properly made, nor shall he be affected by notice to the contrary; and the remedy of any person aggrieved by an improper sale shall be in damages only against the person or Commissioner effecting the same.

**110.** WHEN any real or personal property shall be sold under any order of the Court obtained under this Act, the Court may make an order vesting such real or personal property in such person or persons in such manner and for such estate or interest as the Court shall think fit; and every such order shall have the same effect as if the executor, administrator, trustee, Commissioner, or other person obtaining such order had been seized or possessed of or entitled to such real and personal property for the estate or interest vested in such person or persons by the vesting order, and had been freed from all disability, and had duly executed all proper conveyances and memoranda of transfer, assignments, and assurances of such real and personal property for such estate or interest. The Court may direct any conveyance or transfer of any real property to be executed by such person as the Court shall direct.

When land sold under order, Court may make vesting order.

#### *Adjustment of Duty.*

**111.** SUBJECT to any special provision by a testator for the payment of the duty imposed by this Act, every executor or administrator with the will annexed shall deduct from each and every devise, bequest, or legacy, and in every case of intestacy an administrator shall deduct from each distributive share, an amount equal to the duty upon the same respectively;

Duty to be deducted from beneficial interests under will or settlement or deed of gift.

And subject to any special provision by a settlor or donor for the payment of duty, the beneficial interests under a settlement or deed of gift such as by this Act is required to be registered shall contribute proportionally to the duty payable on the estate of the settlor;

In each case regard shall be had to the relationship of the beneficiary to the testator, intestate, settlor, or donor, as the case may be.

**112.** (1.) SUBJECT to any specific direction appearing in any will, deed of gift, or settlement to the contrary, every executor, administrator, or trustee shall adjust any duties, and the incidence of any duties payable or paid by him, so as to throw the burden thereof upon the respective properties on which the same shall be ultimately chargeable.

Executor, administrator, or trustee to adjust duties.

(2.) For the purpose of carrying such adjustment into effect, or for the purpose of raising money for the payment of any duty, the executor, administrator, or trustee may sell, or mortgage with a

power of sale, all or any part of the real or personal property chargeable with duty, upon such terms and conditions in all respects as in his discretion may seem proper.

(3.) The executor, administrator, or trustee may also, for the purpose aforesaid, by any instrument in writing, impose any charge upon any property in favour of any person, whether then ascertained or not, entitled contingently or otherwise to any other property. Such charge as to land not under the provisions of the Transfer of Land Act, 1893, may be in such form, and may contain a power of sale, and may be upon such terms and conditions as the executor, administrator, or trustee may think proper. As to land under the provisions of the Transfer of Land Act, 1893, such charge may be effected by an instrument of mortgage under such Act, upon such terms and conditions as the executor, administrator, or trustee may think proper.

(4.) The powers and discretions conferred by this section shall be subject to the control and direction of the Court as in cases of ordinary trusts, and the Court may also, on application by summons or otherwise, make any order which it may deem advisable for the purpose of adjusting the duties and the incidence of the duties payable under this Act.

Where duties not adjusted, Court may make order.

**113.** WHERE, by reason of there being no trustee of any settlement or deed of gift, or because of the neglect of any executor, administrator, or trustee, or for any other reason, no adjustment of duties shall be made within a reasonable time, the Court may, upon the application of any person interested, by summons or otherwise, make such order as to the adjustment of duties and the incidence of duties, and as to the costs of such application and adjustment, and for sale or charge or encumbrance of any part of the real or personal property concerned, for the purpose of such adjustment and for payment of such costs as shall be just.

#### General Provisions.

Protection to *bona fide* purchaser, etc.

**114.** THE title of a *bona fide* purchaser, transferee, or mortgagee for valuable consideration, whether holding the legal estate or not, shall not be prejudiced by the non-payment of any duty imposed by this Act.

How duty ascertained in case of property given to an uncertain person or on an uncertain event.

**115.** (1.) IN the case of any property given or accruing under settlement, or deed of gift to an uncertain person, or on an uncertain event, duty shall be paid on the net present value of such property, as if the same had been given by way of vested remainder to a certain person, and such duty shall be assessed on the highest scale applicable on any vesting possible under the settlement or deed of gift.

(2.) Upon such property or any part thereof becoming actually vested in any person or persons who, if he or they had taken the same by way of vested remainder at the time when the duty became payable, would have been chargeable with a smaller duty than that actually paid, the Commissioner, upon being satisfied that such is the case, shall order that the difference between the smaller duty aforesaid and the duty actually paid, with interest on such difference at the rate of three and a-half per centum per annum from the time of payment of duty under this section, shall be paid to such person or persons, and upon such order the Colonial Treasurer shall pay the same out of the general revenue.

**116.** WHERE, in the opinion of the Commissioner, any property shall be of such a nature, or so disposed of or circumstanced, that the value thereof is not fairly ascertainable under this Act or the regulations, or where, from the complication of circumstances affecting the value of any property, or the assessment or recovery of the duty thereon, he shall think it expedient to exercise the power conferred on him by this section, he may compound the duty on such property upon such terms as he shall think fit, and may give a discharge to the executor, administrator, or trustee, or any other person interested in the property, upon payment of the duty according to such composition. Power to compromise duties.

**117.** IF, after any duty imposed by this Act has been paid, it shall be discovered that too little duty has been paid, the person by whom such duty has been paid shall pay such additional duty to the Commissioner, and the amount so payable shall be a debt of such person to His Majesty. Where too little duty paid.

**118.** IF, after any duty has been paid under this Act, it shall be found that too much duty has been paid in consequence of debts of the testator or intestate being discovered which were not included in the statement, the Commissioner, upon being satisfied of the existence of such debts, shall order that the amount overpaid shall be returned to the person entitled to receive the same; and, upon any such order, the Colonial Treasurer shall pay the amount specified in such order to the person named therein, out of the Consolidated Revenue Fund. When too much duty paid.

**119.** THERE shall be an appeal by any person interested to the Court, in the prescribed manner, from or against any assessment, order, direction, decision, or act of the Commissioner; and the Court may make such order upon such appeal as shall seem just. Except for the purposes of such appeal, every assessment, order, direction, decision, requirement, or act of the Commissioner under this Act shall be conclusive against all persons affected thereby. Appeal from Commissioner.  
Except on appeal, Commissioner's decision final.

Commissioner to keep book and give receipt for duty.

**120.** WHENEVER any payment of duty shall be made under this Act, the same shall be entered in a book to be kept by the Commissioner for this purpose, and he shall give a receipt in the prescribed form. The Commissioner shall from time to time deliver to any person interested in any property affected by such duty, on application to him, for any reasonable purpose, a certificate of such payment, or that no duty is payable in respect of such property, in the prescribed form.

Inspection of documents in Lands Titles Office or Registry of Deeds.

**121.** WHERE the inspection of any certificates of title deeds or other documents in the Lands Titles Office or Registry of Deeds is required by the Commissioner for the purposes of this Act, the Registrar shall produce such deeds or documents to the Commissioner, or any person appointed by him in writing to make such inspection.

If any person makes default in delivering statement, etc., Court may order same to be done.

**122.** IF any person makes default in delivering any statement or account, or in adjusting any duties or the incidence of any duties, or in the performance of any duty imposed upon him by this Act, the Court may, on the application of the Commissioner or any other person affected thereby, order such person to deliver such statement or account, adjust such duties or the incidence of such duties, or perform such duty.

Making a false statement, or fraudulent alteration in a statement, a misdemeanour.

**123.** IF any person shall make, or assist in making, any false or fraudulent statement, or any fraudulent alteration in any statement required to be made by this Act or the regulations thereunder, with intent to evade the payment of duty under this Act, or to lessen the amount thereof, such person shall be guilty of a misdemeanour, and shall be liable to imprisonment for any period not exceeding three years and to a fine not exceeding one hundred pounds.

Penalty for failing or omitting to file statements, accounts, etc.

**124.** ANY person who—

- (a.) Fails or neglects to file or amend any statement required to be filed or amended by him under this Act; or
- (b.) Fails or neglects to pay any duty payable by him under this Act; or
- (c.) Fails or neglects to register any settlement or deed of gift requiring registration under this Act,

shall, for each offence, be liable to a penalty not exceeding five hundred pounds.

Legacies to certain public bodies.

**125.** NO duty shall be payable upon any legacy consisting of books, prints, pictures, statues, gems, coins (not being current coins of the realm), medals, specimens of natural history, and other specific articles given or bequeathed to or in trust for any

institution under the control of the Government, or board appointed or partly appointed by the Government, in order to be kept and preserved by such institution, and not for the purpose of sale.

No duty shall be payable upon any legacy whatsoever bequeathed to or in trust for any university.

**126.** THE repeal by this Act of the Duties on Deceased Persons Estates Act shall not affect the applicability of such Act to the estates of persons dying, or to successions becoming chargeable with duty before the commencement of this Act.

Saving of 59 Vict., No. 18.

#### PART VII.—MISCELLANEOUS.

**127.** NO will or codicil of any person dying after commencement of this Act shall be registered, or be admissible or receivable in evidence, except in criminal proceedings or upon application for probate or administration, until probate or administration in respect of the estate comprised therein shall have been issued or obtained.

No will to be registered or admissible in evidence until proved.

**128.** NO settlement or deed of gift requiring registration under this Act shall be admissible or receivable in evidence, except in criminal proceedings, until the same has been registered and the certificate of registration has been indorsed thereon.

No settlement or deed of gift admissible in evidence, except in criminal proceedings, until registered.

**129.** ON the death of any person leaving a sum of money not exceeding fifty pounds standing to his credit in any bank, if no probate or administration is produced to such bank within three months of the death of such person, and no notice in writing of any will, or of an intention to apply for administration, is given to the bank within the said period, the bank may, after notice in writing to the Curator, pay such sum of money to any person who appears to the satisfaction of the manager of the bank to be the husband, widow, parent, or child of such deceased person, and payment of such sum of money accordingly shall be a valid discharge to the bank against the claims of any other person whomsoever.

Deposits not exceeding fifty pounds in any bank may be paid to widow or next of kin without probate or administration.

**130.** (1.) THE Master shall cause entries to be made in a book to be kept for that purpose of—

Records of grants etc.

- (a.) All grants of probate and administration and all orders to collect.
- (b.) The filing, passing, and allowance of the accounts of all executors and administrators, and of
- (c.) Any special order extending the time for passing such accounts.

(2.) Such book shall set forth—

- (a.) The dates of such grants ;
- (b.) The names of the testators or intestates ;
- (c.) The place and time of death ;
- (d.) The names and description of the executors or administrators ;
- (e.) The sworn value of the estates ;
- (f.) The dates of the filing, passing, allowance of, and special orders with reference to the said accounts.

Absent executor may appoint an attorney.

**131.** WHERE an executor to whom probate has been granted, or an administrator, resides out of or is absent from Western Australia, temporarily or otherwise, he may, by leave of the Court, appoint any person resident in the State to act as his attorney, and to have and exercise such powers, duties, and discretions as he may think fit and the Court by such leave allow.

Payment of balance of estate to Curator of State or Colony where deceased was domiciled.

**132.** (1.) WHERE the Curator has obtained administration of the estate of any person who at the time of his death was domiciled in any other part of the Commonwealth or in New Zealand, and whose estate is being administered by the Curator of the State or Colony in which the deceased was domiciled, the balance of the estate, after payment of local creditors, commission fees, and expenses, may be paid over to such last-named Curator.

Curator may receive any part of estate from outside the State.

(2.) Where any part of the estate of a deceased person, whose estate is being administered by the Curator, is situated outside the limits of Western Australia, the Curator may receive any part of such estate so situated, and, when received, the same shall be dealt with according to the law of Western Australia.

Remuneration of administrator.

**133.** THE Court may, by way of remuneration, allow to an administrator for the time being, on passing his accounts, such commission, not exceeding five pounds per centum on the assets collected by such administrator, including rents and income, as the Court thinks just. No allowance shall be made to any administrator who omits to pass his account pursuant to any order of the Court.

Rules of Court.

**134.** (1.) THE rules and forms in the Fourth Schedule hereto shall regulate the practice and procedure to which they relate and the fees therein prescribed shall be paid and collected, until altered, added to, or rescinded under the power to make rules contained in the Supreme Court Act, 1861, or any amendment thereof.

(2.) Except where otherwise provided, the practice and rules and scales of fees heretofore in force shall apply.

**135.** THE Governor may from time to time make, alter, and revoke any regulations for the following purposes, or any of them, that is to say :—

Regulations.

- (a.) Prescribing the duties of all persons employed in the administration of this Act;
- (b.) Regulating the security to be given by any such persons;
- (c.) Prescribing tables and rules for fixing values of any property;
- (d.) Prescribing forms and contents of statements, and modes of adjustment of duties and the incidence of duties under this Act, and providing for verification of statements by oath or declaration;
- (e.) For the compulsory examination under oath or declaration of persons for obtaining information to aid in carrying out the objects of this Act;
- (f.) For carrying out the objects and purposes of this Act, and and to meet any particular case that may arise;
- (g.) Imposing a penalty not exceeding fifty pounds for a breach of any regulation.

**136.** ALL fines and penalties for any offence against this Act or the regulations may be recovered before any two Justices of the Peace in a summary way under the provisions of the Justices Act, 1902.

Fines and penalties, how recovered.

**137.** IN every case of the imposition of a fine or pecuniary penalty under this Act, and of the non-payment thereof, any two Justices of the Peace may commit the person making default in payment to any prison in the said State for any time not exceeding six calendar months, the imprisonment to cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof.

On non-payment of penalties, etc., Justices may imprison.

**138.** WHENEVER any amendment is made in this Act, all copies thereof printed by the Government Printer after the amendment shall be so printed as to set forth the actual provisions of the Act after omitting all repealed provisions or words, and embodying all newly enacted or substituted provisions or words, and reference shall be made in the margin to the section of the Amending Act by which any such amendments are made.

Printing amendments.

## SCHEDULES.

Sec. 2.

## First Schedule.

Date.	Title.	Extent of Repeal.
3 & 4 William IV., c. 104	An Act to render Freehold and Copyhold Estates assets for payment of simple contract debts	The whole.
14 Victoria, 12	An ordinance for the disposal of Balances of Estates of Deceased Persons remaining unclaimed in the hands of the Public Administrator	The whole.
24 Victoria, 15	The Supreme Court Ordinance, 1861 ...	Sections 6, 7, 8, 9.
34 Victoria, 12	An Act to abolish the distinction as to priority of payment which now exists between the Specialty and Simple Contract Debts of Deceased Persons	The whole.
43 Victoria, 5	The Foreign Probate Act ... ..	The whole.
47 Victoria, 20	The Deceased Persons Estate Act, 1883	The whole.
57 Victoria, 9	The Real Estates Administration Act, 1893	The whole.
59 Victoria, No. 18	The Duties on Deceased Persons Estates Act	The whole.

Secs. 86, 96.

## Second Schedule.

1. On the estate, real and personal, of a deceased person, and on the property given or accruing to any person under a settlement or deed of gift—

Where the total value of such estate, after deducting all debts on the value of such property, does not exceed £1,000 ... ..	1 per cent.
Where the value exceeds £1,000, and does not exceed £3,500 ... ..	2 „
Where the value exceeds £3,500, and does not exceed £5,000 ... ..	3 „
Where the value exceeds £5,000, and does not exceed £7,500 ... ..	4 „
Where the value exceeds £7,500, and does not exceed £10,000 ... ..	5 „
Where the value exceeds £10,000, and does not exceed £15,000 ... ..	6 „
Where the value exceeds £15,000, and does not exceed £20,000 ... ..	7 „
Where the value exceeds £20,000, and does not exceed £30,000 ... ..	8 „
Where the value exceeds £30,000, and does not exceed £50,000 ... ..	9 „
And over the value of £50,000 ... ..	10 „



## Third Schedule.

Secs. 86, 96.

Parent, issue, husband, wife, and issue of husband or wife.

## Fourth Schedule.

Sec. 134.

## RULES.

*Preliminary.*

1. These Rules shall come into force on the 1st January, 1904. All Rules heretofore made and established in the Probate Jurisdiction of the Court shall be rescinded.

2. These Rules may be cited as "The Probate and Administration Rules," and shall be read with the Supreme Court Rules for the time being. Where no other provision is made, the practice and procedure heretofore in force shall apply so far as the circumstances permit.

3. In these Rules :—

- (1.) The words "the Act" mean the Administration Act, 1903.
- (2.) The words "the Registry" mean the Central Office.

*Powers of Registrar.*

4. The Master may exercise the powers of the Court in and about the granting of probate and administration of and all orders at the instance of the Curator in reference to estates in cases where the gross value of the estate does not exceed One thousand pounds, in and about the passing and allowance of the accounts of executors and administrators, and the costs in connection therewith, where no commission is applied for, and in and about the dispensation with or reduction of bonds for the due administration of such estates: Provided that the Master shall, where any party interested may so desire, and may, in cases where any doubt or difficulty arises, refer the matter to the Court.

*Probate and Administration generally.*

5. Application for probates and administration may be made by *ex parte* application at any time after 14 days from the death of the deceased, and all papers in support thereof shall be filed in the Registry.

6. Such applications may be made through a solicitor, or in person by executors and parties entitled to grants of administration; but personal application will not be received by letter nor through the medium of any agent.

7. All applications for probate or of letters of administration with the will annexed shall be supported by an affidavit (accompanied by the will and codicil) of the following facts :—

- (1.) Of the death of the testator, and
- (2.) That the testator has left a will and the date thereof, the names and addresses of the executors or executor, and of the subscribing witnesses thereto, and that he left real or personal estate within the jurisdiction of the Court, and that the executors will well and truly administer the same.

In the case of an application for Letters of Administration with the will annexed, the affidavit shall state why the executor (if any) does not apply.

8. Application for administration of the estate of any deceased person shall be supported by a bond in the form numbered 1 in the Appendix hereto, and by the following affidavits:—

- (1.) Of the death of the intestate.
- (2.) That he or she died intestate.
- (3.) That the intestate left either real or personal property (or both) within the jurisdiction; that the applicant is the husband, widow, or next of kin (or as the case may be), and the names, addresses, and ages of the persons entitled in distribution to the estate of the deceased, and that the applicant will well and truly administer.
- (4.) Affidavits of justification by sureties.

9. In all cases where a creditor shall intend to apply for administration, he shall, previous to such application, issue a citation calling upon the husband or widow and next of kin of the deceased to appear and show cause why administration should not be granted to him, and shall, before the return day of such citation, prove his debt before the Master, and enter into a bond in the form No. 1 in the Appendix hereto.

10. Applicants for probate or administration under Section 67 of the Act shall give seven days' notice in writing to the Curator of the intended application.

11. On all applications for probate or letters of administration a notice of an address, within one mile of the Registry or of the office of the district agent, as the case may be, where all notices may be served shall be filed, and service at such address shall be deemed sufficient service of any notification, summons, or other proceeding under the Act.

*Interlineations and Alterations.*

12. When interlineations, erasures, alterations, or obliterations appear in the will or codicil (unless duly executed, or recited in, or otherwise identified by the attestation clause), an affidavit or affidavits in proof of their having existed in the will before its execution must be filed, except when the alterations are merely verbal, and are evidenced by the initials of the attesting witnesses.

*Deeds, etc., referred to in a Will or Codicil.*

13. If a will or codicil contains a reference to any deed, paper, memorandum, or other document of such a nature as to raise a question whether it ought or ought not to form a constituent part of the will or codicil, the production of such deed, paper, memorandum, or other document will be required, with a view to ascertain whether it be entitled to probate; and, if not produced, its non-production must be accounted for.

*Appearance of the Paper.*

14. If there are any vestiges of sealing-wax, or wafers, or other marks upon the testamentary papers, leading to the inference that a paper, memorandum, or other document has been annexed or attached to the same, they must be satisfactorily accounted for, or the production of such paper, memorandum, or other document must be required; and, if not produced, its non-production must be accounted for.

*Notice to other Next of Kin.*

15. When administration is applied for by one or some only of the persons entitled to administration other than the Curator, there being another or other next of kin equally entitled thereto, or a husband or widow of the deceased within the jurisdiction, their consent duly verified must be filed, or evidence must be adduced of their having been served with notice of the application, or that they cannot be found. But where the husband or widow of the deceased shall apply, then notice of the application shall be given to all the next of kin of the deceased of full age within the jurisdiction, or evidence must be adduced that they cannot be found.

*Grants of Administration to Guardians.*

16. Grants of administration *durante minore etate* may be made to guardians of infants for their use and benefit, subject to such limitations or conditions as the Court may order.

17. Infants above the age of seven years may elect a guardian, but in other cases a guardian must be assigned by the Court, and upon any application for administration by such guardian, evidence of his election or assignment must be produced.

18. In a family where there are infants both above and under the age of seven years, an elected guardian may act for all the infants without special assignment.

*Administrator's Oath.*

19. Any person other than a creditor applying for administration, or for administration with the will annexed, shall state on oath his relationship to the deceased person, and also the names of any person or persons having a right to the administration prior to or equal with himself.

*Administration Bonds.*

20. Administration bonds shall be attested by a Commissioner or other person now or hereafter to be authorised to administer oaths; but in no case by the solicitor or agent of the party who executes them. Such administration bonds shall be in the form numbered one in the Appendix hereto, unless otherwise ordered by the Judge.

21. In all cases of administration, except in the case of a Guarantee Company, approved by the Court, or where the person applying is solely entitled in distribution, or unless otherwise ordered, two sureties shall be required to the administration bond, and the bond given in the amount of property to be placed in the possession of or dealt with by the administrator by means of the grant: And in every case the sureties to the bond shall justify by affidavit, to the satisfaction of the Registrar.

22. All applications for any modification or alteration of the usual administration bond, or for any other modification of the practice under Rule 21, shall be supported by affidavits of the facts relied on.

*Time of Issuing Grants.*

23. In every case where probate or administration is, for the first time, applied for after the lapse of six months from the death of deceased, the reason of the delay is to be explained by affidavit when the application is made.

*Testamentary Papers to be Marked.*

24. Every will, copy of a will, or other testamentary paper to which an executor or administrator with the will annexed is sworn, must be marked by such executor or administrator, and by the person before whom he is sworn, and filed with the affidavit.

*Renunciations.*

25. No person who renounces probate of a will or letters of administration of the estate and effects of a deceased person in one character, will be allowed to take a representation to the same deceased in another character.

*Citations.*

26. No citation shall issue under the seal of the Court until an affidavit, in verification of the averments it contains, has been filed in the Registry, or shall be made returnable in less than seven days from the service thereof, unless otherwise ordered by the Court.

27. Citations must be served personally when that can be done. Personal service shall be effected by leaving a true copy of the citation with the party cited, and showing him the original, if required by him so to do.

*Substituted Service.*

28. If personal service of citations or other proceedings cannot be effected by reason of the absence from the State of the person to be served, or if the Judge or Master is satisfied by affidavit or other evidence on oath that such person is keeping out of the way to avoid such service, or that for any other cause prompt personal service cannot be effected, he may order substituted service to be made of the delivery of the proceedings to some adult inmate of his usual or last known residence or place of business, or by registered letter, or in such other manner as the Judge may direct.

*Notices to Crown Solicitor.*

29. In all cases where application is made for administration, either with or without a will annexed, of the goods of a bastard dying a bachelor, or a spinster, or a widower, or a widow, without issue, notice of such application shall be given to the Crown Solicitor.

*Citation to bring in Testamentary Papers.*

30. Any person bringing in a will or testamentary paper, in obedience to a citation or order, shall deposit it at the Registry, and may require a receipt therefor.

31. Any person served with a citation to bring in a testamentary paper may enter an appearance, on payment of the usual fees, if he thinks fit to do so.

*Motions for Sale, etc., of Real Estate.*

32. All applications under Section 17 of the Act shall be supported by affidavits; and notice of such application shall (unless the Judge shall otherwise order), and unless their verified consent to the application be filed, be served on all parties interested of full age, and the sureties to the administration bond, and in cases where any of the persons interested are infants, then service shall be made as directed by the Court.

*Applications under the Act.*

33. All applications shall, except as herein otherwise provided, be made to a Judge in Chambers.

34. All such applications shall be supported by affidavits setting out fully the circumstances of the case and the grounds upon which the order is applied for.

*Personal applications for Grants of Probate or Letters of Administration.*

35. Persons wishing to obtain grants of Probate or Letters of Administration, without the intervention of a solicitor, must apply in person, but not by letter.

36. Applications which have in the first instance been made through a solicitor will not be entertained as personal applications.

37. Whenever, in the opinion of the Master, it becomes necessary, in the course of a personal application, to obtain the directions of the Court, the application will not be further proceeded with as a personal one except by leave of the Court.

38. Every applicant for a first grant of Probate or Letters of Administration must produce a certificate of the death of the deceased, or give a reason, to the satisfaction of the Registrar, for the non-production thereof.

*Taxing Bills of Costs.*

39. The Taxing Master shall tax all Bills of Costs referred to him for taxation.

*Filing and Passing Accounts.*

40. Every executor and administrator shall, within twelve months after the grant of probate or administration, file in the Registry his accounts relating to the estate of the deceased, together with a plan of distribution where there is any balance available therefor, unless he shall obtain a special order from the Court extending the time for filing such accounts, and shall at the time of filing the said accounts take out an appointment for passing the same.

41. Notice of the filing of the accounts of any executor or administrator (in the form numbered 2 in the Appendix hereto), and of the day fixed for passing the same, shall be inserted in one Perth daily newspaper, and if the person resided more than thirty miles from Perth, in a newspaper published and circulating in the district where the deceased was residing at the time of his death, fourteen days at least before the day fixed for passing the same, and if the said administrator intend to apply for commission, notice shall also be given of such intention.

42. In the case of an administrator, notice of the filing and of the application to pass his accounts shall also be served on the sureties of the administration bond.

43. Any person wishing to object to the passing of the accounts of any executor or administrator, or the granting of commission, shall file with the Master, on or before the day fixed for the passing of such accounts, a notice of his intention to object, and also an affidavit stating his interest and the nature and grounds of his objection.

44. Upon the taking of such accounts, the Master may make such order as to service upon any of the parties interested as he may think fit.

45. Any person interested may attend before the Master upon the taking of such accounts.

46. The Master shall give his certificate as to the correctness of the said accounts, and also as to the amount on which commission is allowable.

47. Within fourteen days after the signing of the certificate by the Master, the accounting party shall, if he desires to be allowed commission, enter such accounts for allowance by the Court, and for allowance of commission.

48. If the accounting party or any person who has filed a notice of objection under Rule 43, desires to appeal from the finding of the Master on the passing of the accounts, he shall, within seven days from the signing of the certificate by the Master, file a notice in the Registry, setting forth the nature and grounds of his appeal.

*Caveat.*

49. Any person having any interest in an estate in which application is being made for probate or administration, and intending to oppose the same, shall either personally or by his solicitor enter a caveat in the Registry; such caveat shall be in the form numbered 3 in the Appendix hereto, and shall state fully the nature of the interest of the caveator, and an address in Perth where documents or notices may be served.

50. A caveat shall remain in force for the space of six months only from the day it is entered and then expire and be of no effect, unless otherwise ordered.

51. If the applicant for probate or administration does not see fit to obtain an order under Section 84 of the Act, he shall, within one month after notice of the entry of the caveat, commence contentious proceedings by issuing a writ against the caveator and proceeding thereunder in the ordinary manner.

52. A caveator may, if no step is taken by the executor or applicant for administration within a period of one month after notice of the entry of the caveat, apply to the Court for an order directing the executor or applicant to proceed with his application, and the Court may make such order upon such terms as to it may seem meet.

53. When a defendant enters his appearance to a writ issued under Rule 51 he shall file a memorandum to the effect either that he disputes the plaintiff's claim, or that he merely intends to cross-examine the witnesses produced in support of the due attestation of the will.

54. Where any defendant duly served with a writ or statement of claim does not enter an appearance or deliver a defence thereto within the time limited, the plaintiff may apply for a decree or order against the defendant in his absence.

55. In a suit for probate, the statement of defence shall consist of the following defences alone, unless by leave of the Court, obtained on summons:—

- (1.) That the paper writing, bearing date, etc., and alleged by the plaintiff (or defendant) to be the last will and testament (or codicil to the last will and testament) of A.B., late of, etc., deceased, was not duly executed as required by law, in manner and form as alleged, stating particulars.
- (2.) That A.B., the deceased in this cause, at the time his alleged will (or codicil) bears date, to wit, on the, etc., was not of sound mind, memory, and understanding.
- (3.) That the deceased, at the time of the execution of the said alleged will (or codicil), did not know and approve of the contents thereof.
- (4.) That the execution of the said alleged will (or codicil) was obtained by the fraud of C.D., and others acting with him (setting out the fraud alleged).
- (5.) That the execution of the said alleged will (or codicil) was obtained by the undue influence of C.D., and others acting with him.

And if the defendant desires to propound another will, he may, by leave of the Judge, do so by way of counter claim.

*Suits for the Revocation of Probate and Administration.*

56. Proceedings for the revocation of probate or administration shall be commenced by the issue of a citation against the party to whom the grant was made, requiring him to bring in and deposit the grant in the Registry; and within fourteen days after notice of such deposit the party issuing the citation shall issue a writ, and thereafter proceed against the party cited, who shall be the defendant in the suit, and all subsequent proceedings shall be had and taken as in an ordinary action.

*Forms.*

57. The forms in the Appendix hereto shall be followed in all proceedings under the Act, with such variations as the nature and circumstances of each particular case may require. All proceedings shall be intituled "In the Supreme Court."

*Scale of Fees.*

58. The following shall be the scale of fees chargeable:—

	£	s.	d.
Search ... ..	0	1	0
Filing executor's or administrator's oath ... ..	0	1	0
Filing affidavits ... ..	0	2	6
Filing exhibit ... ..	0	1	0
Filing every other document not specified (duplicate and triplicate)	0	2	6
Letters of administration (duplicate) ... ..	0	12	6
Double probates ... ..	0	12	6
Registering and collating wills, per folio of 90 words ... ..	0	1	6
With minimum of ... ..	0	4	6
Office copies, per folio ... ..	0	0	6
With minimum of ... ..	0	2	6
Marking copies as office copies, per folio ... ..	0	0	3
With minimum of ... ..	0	2	6
Filing <i>caveat</i> ... ..	0	1	0
Filing withdrawal ... ..	0	1	0
Deposit of will of deceased person ... ..	0	10	0
Every <i>fiat</i> ... ..	0	5	0
Settling advertisements, per folio ... ..	0	0	3
With minimum of ... ..	0	2	6
Noting revocation or alteration in grants ... ..	0	2	6
Noting same in record ... ..	0	2	6
Noting renunciations or other necessary matter in grants ... ..	0	2	6
Order revoking grant ... ..	0	5	0
Every certificate of registrar... ..	0	2	6
Citation ... ..	0	5	0
Appearance to same ... ..	0	2	6
Amending appearance ... ..	0	2	6
On every application under Regulation 35 ... ..	1	0	0

On every grant of probate or administration the *ad valorem* fees shall be charged as heretofore.

No fees shall be payable by the Curator where the value of an estate does not exceed Two pounds.

For matters not herein provided for, the Scale of Fees prescribed by the Rules of Court shall apply.

*Administration of Estates by Curator.*

59. The Curator may appoint any person or persons he may think fit to act as his agents in the collection of estates, and such agent shall give security to the satisfaction of Curator for the performance of his duties.

60. An application by the Curator for an order to collect the estate of any deceased person shall be made upon summons, and shall be supported by an affidavit or affidavits setting forth— (1) the death of the party; (2) the time and place thereof; (3) whether testate or intestate; (4) whether leaving real or personal estate within the State of Western Australia; (5) whether any widow or next of kin; (6) any other particulars which may be deemed necessary. For the purposes of this Rule Forms Nos. 4 and 5 of the Appendix hereto shall be used, as circumstances may require.

61. Where the executors named in the will of a deceased person renounce probate in favour of the Curator, such renunciation shall be in Form No. 6 of the Appendix hereto.

62. Where the persons primarily entitled to administration decline so to apply, with a view to the Curator applying therefor, they shall file in the office of the Curator a document in the Form No. 7 of the Appendix hereto.

63. Every applicant for probate of the will or administration of the estate of a deceased person whose estate the Curator has obtained an order to collect, shall give seven days' notice in writing to the Curator of his intended application in the Form No. 9 in the Appendix hereto.

64. Whenever it shall be necessary to take any steps in connection with any estate being administered by the Curator, and whether the Curator shall be a party thereto or not, every petition, affidavit, summons, or other process shall be filed in the office of the Curator.

65. Applications under Section 67, for establishing the right or title of the husband, widow, or next of kin, shall be by summons, setting forth specifically the grounds on which such husband or next of kin claim to be entitled in distribution, which summons shall be verified by affidavit. Such summons and affidavit shall be filed in the office of the Curator at least two days before the summons is heard.

66. Upon the receipt of every such summons and affidavit in support thereof the Curator shall examine the same, and if he considers the evidence adduced in support of the claim sufficient, he shall report thereon, and forward same to the Judge for his consideration and determination; but if the Curator consider the evidence insufficient, he shall call for such further or additional evidence as he may deem sufficient, subject to the right of any party to except to the ruling of the Curator, and to take the decision of the Judge thereon.

67. The forms Nos. 10, 11, 12, and 13 in the Appendix, or forms to the like effect, shall be used where applicable.

68. The Curator may charge every estate collected or administered by him a fee for postages, according to the following scale:—

Value of Estate.	£	s.	d.
Under £10	0	2	6
£10 and not exceeding £50	0	5	0
£50 and not exceeding £100	0	10	0
£100 and not exceeding £200	0	15	0
£200 and not exceeding £500	0	17	6
£500 and upwards	1	0	0

69. The Master may direct that every applicant for probate or administration shall lodge a duplicate copy on parchment or paper of the prescribed weight and quality of the Probate or Letters of Administration in such form and size as he may deem necessary for the purpose of filing.

#### Appendix to Fourth Schedule.

##### No. 1.

##### Administration Bond.

KNOW all men by these presents that we, \_\_\_\_\_ of \_\_\_\_\_, in the State of Western Australia, \_\_\_\_\_ of \_\_\_\_\_, in the State aforesaid, \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ in the State aforesaid, \_\_\_\_\_ are jointly and severally held and firmly bound unto His Majesty the King, his heirs and successors, in the sum of \_\_\_\_\_ pounds of lawful British money, to be paid to his said Majesty, his heirs and successors, for the due payment whereof we bind ourselves, and each and every of us, and for the whole, our heirs, executors, administrators, and assigns by these presents.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ One thousand nine hundred and \_\_\_\_\_

The conditions of the above-written bond or obligation are such, that if the above-bounden the intended administrator of all and singular the estate and effects of \_\_\_\_\_ late of \_\_\_\_\_, in the State aforesaid, \_\_\_\_\_ shall well and truly administer, according to law, the estate and effects of the said deceased at the time of his death, and all other the estate and effects of the said deceased, which at any time hereafter shall come into the hands or possession

possession of the said \_\_\_\_\_, as such administrator or into the hands or possession of any other person or persons for him; and further, shall make or cause to be made a true and perfect account of \_\_\_\_\_ administration, within twelve months from the date of the grant of the letters of administration herein, and afterwards from time to time as shall be lawfully required; and all the rest and residue of the said estate and effects which shall be found from time to time remaining upon the said administration account (the same being first examined and allowed by the Court) shall and do pay and dispose of in a due course of administration or in such manner as the said Court shall direct, then the above-written bond or obligation to be void and of no effect, otherwise to be and remain in full force and virtue.

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No. 2.

*Notice of filing Accounts.*

In the Estate of \_\_\_\_\_

NOTICE is hereby given that the accounts and plan of distribution in the above estate have this day been filed in my office, and all persons having any claim on the said estate, or being otherwise interested therein, are hereby required to come in before me at my said office on or before the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon and inspect the same, and if they shall think fit object thereto; otherwise if the said accounts be not objected to, the same will be examined by me and passed according to law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 190 .

*Master.*

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No. 3.

*Caveat.*

TAKE notice that I [name of caveator in full] of [address and description in full] claiming interest [state relationship or particulars of interest] in the estate of [or under the will of—set out full description] do hereby demand that nothing be done therein without notice to me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 190 .

*(Signature of Caveator or his solicitor.)*

*Witness.*

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No. 4.

*Application of Curator.*

In the matter of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, deceased.

1. The above-named deceased died on or about the \_\_\_\_\_ day of \_\_\_\_\_, intestate, leaving \_\_\_\_\_ estate within the State liable to waste, but without leaving any widow or next of kin resident within the jurisdiction of the said Court, as appears by the affidavit of hereunto annexed [if application is made on any other ground, set forth the grounds].

2. The Curator desires that he may be empowered, by the order of this Court, to collect and manage the estate of the said deceased.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 190 .

Curator of Intestate Estates.

The \_\_\_\_\_ day of \_\_\_\_\_, 190 .

Upon reading this application and the affidavit therein referred to, it is ordered that the Curator of Intestate Estates, be, and he is hereby authorised and empowered to collect and manage the estate of the deceased.

*Judge.*

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No. 5.

*Affidavit in support of application of Curator.*

In the matter of the Intestate Estate of \_\_\_\_\_, late of \_\_\_\_\_, deceased.  
 \_\_\_\_\_, of \_\_\_\_\_, in the State of Western Australia, make oath and say as follows:—



1. The said \_\_\_\_\_ died at \_\_\_\_\_, on or about the \_\_\_\_\_ day of \_\_\_\_\_, One thousand nine hundred \_\_\_\_\_, intestate, and having at the time of his death \_\_\_\_\_ estate in the said State liable to waste.

2. \*The said deceased died without leaving any widow or next of kin resident within the said State.

Sworn by the deponent at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, before me,—

No. 6.

*Renunciation of Executor in favour of Curator.*

In the matter of the Will of \_\_\_\_\_, late of \_\_\_\_\_, deceased.  
 WHEREAS \_\_\_\_\_, late of \_\_\_\_\_, deceased, died on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ and whereas he duly made and executed his last will and testament, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and thereof appointed \_\_\_\_\_ executor: Now \_\_\_\_\_ the said \_\_\_\_\_ do hereby declare that \_\_\_\_\_ have not intermeddled in the real or personal estate of the said deceased, and will not hereafter intermeddle therein and \_\_\_\_\_ do hereby expressly renounce all right and title to probate and execution to the said will and to the trusts, powers, and authorities whatsoever by the said will expressed to be made or given to \_\_\_\_\_ the said \_\_\_\_\_, and hereby request the Curator of Intestate Estates to apply for an order to collect the estate of the said \_\_\_\_\_, deceased, with the will of the said \_\_\_\_\_ annexed.

In witness whereof \_\_\_\_\_ have hereunto set \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 Signed, sealed, and delivered by the said \_\_\_\_\_, in the presence of,—

No. 7.

*Renunciation of persons entitled to administration in favour of Curator.*

In the matter of the Estate of \_\_\_\_\_, late of \_\_\_\_\_, deceased, intestate.  
 WHEREAS \_\_\_\_\_, late of \_\_\_\_\_, deceased, died on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, intestate, a widower, leaving \_\_\_\_\_ his only \_\_\_\_\_ him surviving \_\_\_\_\_: Now, \_\_\_\_\_, the said \_\_\_\_\_, do hereby renounce all right and title to letters of administration of the real and personal estate of the said deceased, and request the Curator of Intestate Estates to administer the said estate.

Signed by the said \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the presence of,—

No. 8.

*Affidavit of attesting witness (where requisite).*

In the matter of the Will of \_\_\_\_\_, late of \_\_\_\_\_, deceased.  
 I, \_\_\_\_\_, of \_\_\_\_\_, in the State of Western Australia, being duly sworn, make oath, and say as follows:—

1. I am one of the subscribing witnesses to the last will and testament of the said \_\_\_\_\_ late of \_\_\_\_\_, deceased, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and hereunto annexed, marked "A."

2. The said testator executed the said will on the day of the date thereof, by signing his name at the foot or end thereof, as the same now appears thereon, in the presence of me and of \_\_\_\_\_, the other subscribed witness thereto, both of us being present at the same time, and we thereupon attested and subscribed the said will in the presence of the said testator.

Sworn by the deponent, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, before me,—

\* If deceased left a widow or next of kin resident out of jurisdiction of the State, insert particulars of the same.

## No. 9.

*Form of Notice of Application for Probate or Administration to be given to Curator.*

To the Curator of Intestate Estates, Perth.

You are hereby requested to take notice that application will be made to the \_\_\_\_\_ Court, on the \_\_\_\_\_ day of \_\_\_\_\_, or so soon thereafter as the same can be heard, for probate of the will (or letters of administration, as the case may be) of the estate of A.B., late of \_\_\_\_\_, deceased, who died on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ (intestate).

G.H.,  
Solicitor for C.D.,  
a [brother] of said deceased.

Perth, \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

## No. 10.

*Administration with the Will annexed.*

In the Will and Estate of

\_\_\_\_\_ late of \_\_\_\_\_, in the State of Western Australia, deceased.

BE IT KNOWN that \_\_\_\_\_, late of \_\_\_\_\_, who died on the \_\_\_\_\_ day of \_\_\_\_\_ One thousand nine hundred and \_\_\_\_\_, at \_\_\_\_\_, in the State of \_\_\_\_\_, made and duly executed her last Will and Testament (a copy whereof is hereunto annexed), and did therein name \_\_\_\_\_, of \_\_\_\_\_, in the State of \_\_\_\_\_, sole executor of her said Will; AND BE IT FURTHER KNOWN that the said \_\_\_\_\_ did, by renunciation, dated the \_\_\_\_\_ day of \_\_\_\_\_ renounce Probate of the Will of the said \_\_\_\_\_ without having intermeddled with the deceased's estate, AND BE IT ALSO FURTHER KNOWN that on the \_\_\_\_\_ day of \_\_\_\_\_ Letters of Administration, with the said Will annexed, of all and singular the real and personal estate of the said deceased were granted by the Supreme Court of the said State of Western Australia to \_\_\_\_\_, of \_\_\_\_\_, one of the lawful children and next of kin of the said deceased, he having been first sworn well and faithfully to administer the same.

Given at \_\_\_\_\_ in the said State of Western Australia, this \_\_\_\_\_ day of \_\_\_\_\_.

By the Court,

Master.

## No. 11.

*Administration.*

In the Estate of \_\_\_\_\_, late of \_\_\_\_\_, in the State of Western Australia, deceased, intestate.

BE IT KNOWN that on the \_\_\_\_\_ day of \_\_\_\_\_ One thousand \_\_\_\_\_ Letters of Administration of all and singular the real and personal estate of \_\_\_\_\_, late of \_\_\_\_\_, in the State of \_\_\_\_\_, deceased, who died on the \_\_\_\_\_ day of \_\_\_\_\_ One thousand nine hundred \_\_\_\_\_, at \_\_\_\_\_, aforesaid, intestate, were granted by the Supreme Court of the said State to \_\_\_\_\_, of \_\_\_\_\_, the lawful Widow of the said deceased, she having been first sworn well and faithfully to administer the same.

Given at \_\_\_\_\_, in the said State of Western Australia, this \_\_\_\_\_ day of \_\_\_\_\_.

By the Court,

Master.

No. 12.

*Probate.*

In the Will of \_\_\_\_\_, late of \_\_\_\_\_, in the State of Western Australia, deceased.

BE IT KNOWN that on the \_\_\_\_\_ day of \_\_\_\_\_, One thousand nine hundred the Last Will and Testament (a copy whereof is hereunto annexed) of \_\_\_\_\_, deceased, who died on the \_\_\_\_\_ day of \_\_\_\_\_, One thousand nine hundred and \_\_\_\_\_, at \_\_\_\_\_, in the said State of Western Australia, was proved, approved, and registered in the Supreme Court of the said State at Perth; and that administration of the real and personal estate of the said deceased was granted by the aforesaid Court to \_\_\_\_\_, of \_\_\_\_\_, named in the said Will, he having been first sworn well and faithfully to administer the same.

By the Court,

*Master.*

No. 13.

## ADVERTISEMENT BY CURATOR UNDER SECTION 69.

*Estates placed under the charge of the Curator for management during the past month.*

No.	Name of deceased.	Residence.	Supposed British or Foreign residence.	Date of order.	Estimated value of		Date of death.	Remarks.
					Personalty.	Realty.		

Dated this \_\_\_\_\_ day of \_\_\_\_\_

*Curator.*