

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ

No. 9

An Act to amend the law relating to the Administration
of the Real Estates of Deceased Persons.

[Assented to 27th September, 1893.]

BE it enacted by the Queen's Most Excellent Majesty, by and with
the advice and consent of the Legislative Council and
Legislative Assembly of Western Australia, in this present Parliament
assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as 'The Real Estates Administration
Act.'

The Real Estates Administration Act

2. In the construction of this Act, unless the context be inconsistent with the meaning hereby assigned :—

Interpretation

‘Court’ shall mean the Supreme Court of Western Australia.

‘Administration’ and ‘Administrator’ shall respectively mean and comprehend letters of administration of the estates of deceased persons, and administrator whether with or without the will annexed, and whether granted for general, special, or limited purposes.

‘Deceased Person’ shall mean a person who shall die after the passing of this Act.

3. Upon the Court granting probate of the will or administration of the estate, or a rule to administer the estate, of any deceased person, all the lands and hereditaments or all the lands and hereditaments then unadministered of such person, whether held by him beneficially or in trust, shall vest as from the death of such person in the executor or administrator to whom such probate or administration or rule shall be granted, as the case may be, for all the estate therein of such person; and if there shall be more than one such executor or administrator, shall vest in them as joint tenants; and shall, subject to all trusts and equities affecting the same, be held :—

Real estate to vest in executors or administrators

(a) For the payment of the debts of such deceased person in the ordinary course of administration, with power to the executor or administrator to sell or mortgage (with or without a power of sale) such real estate or any part thereof, and to convey or transfer the same to a purchaser in as full and effectual a manner in law as the testator or intestate of such executor or administrator could have done in his lifetime; and subject hereto,

For payment of debts

Power to sell and mortgage

(b) If such deceased person devised such estate by will, such real estate shall be held by the executor or administrator according to the trusts and dispositions of such will.

For trusts of will

(c) In all other cases such real estate shall be held and applied by the executor or administrator as if the same were personalty.

Or if no will, as personalty

4. The executor or administrator of any deceased person shall have the same rights, and be subject to the same duties, with respect to the real estate of such person, that executors or administrators heretofore have had or been subject to with respect to personal estate.

Rights and duties of executor or administrator with respect to real estate

5. All the real estate of or to which any deceased person is at the time of his death beneficially seised, possessed, or entitled, and as to or in respect of which he dies intestate shall, subject to its liability for the payment of the debts of such deceased person and the estate or interest therein of his legal personal representative, pass and belong to and vest in the persons who would be entitled to such real estate if it were personalty for all the beneficial estate and interest therein of such deceased person, and in the shares or proportions to which they would respectively be entitled to the personal estate of such deceased person if he had died intestate.

Real estate of intestate to pass to next of kin, subject to payment of debts

W. C. F. ROBINSON,
GOVERNOR.