

The Foreign Probate Act

WESTERN AUSTRALIA

ANNO QUADRAGESIMO TERTIO

VICTORIÆ REGINÆ

No. 5

An Act to give effect in Western Australia to Probates and Letters of Administration granted in any other part of Her Majesty's Dominions.

[Assented to 8th August, 1879.]

WHEREAS it is expedient to give to Probates and Letters of Administration granted in any other part of Her Majesty's Dominions the like force and effect as if originally granted in Western Australia, upon the same being re-sealed: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble

1. In the construction and for the purposes of this Act, and of all proceedings thereunder, the following terms shall have the respective meanings hereafter assigned to them, except where there is something in the context repugnant to such construction, that is to say—

Interpretation

'Probate' shall include 'Exemplification of Probate':

'Probate'

'Letters of Administration' shall include 'Exemplification of Letters of Administration.'

'Letters of Administration'

2. From and after the period at which this Act shall come into operation, when any Probate or Letters of Administration granted by a court of competent jurisdiction in any part of Her Majesty's Dominions shall be produced to, and a copy thereof deposited with, the Registrar of the Supreme Court of Western Australia, such Probate or Letters of Administration shall be sealed with the seal of the last-mentioned Court, and shall have the like force and effect, and have the same operation in Western Australia; and every executor and administrator thereunder shall have the same powers and authority, rights and privileges, and perform the same duties and be subject to the same liabilities as if such Probate or Letters of Administration had been originally granted by the Supreme Court of Western Australia.

Probates and Administrations granted elsewhere to be of like force as if granted in Western Australia on being re-sealed

3. The seal of the Supreme Court of Western Australia shall not be affixed to any Probate or Letters of Administration granted in any other part of Her Majesty's Dominions so as to give operation thereto as if the grant had been made by the Supreme Court of Western Australia, until all such probate, stamp, and other duties (if any), have been paid as would have been payable if such Probate or Letters of Administration had been originally granted by the Supreme Court of Western Australia; and further, such Letters of Administration shall not be so sealed until a bond has been entered into by such

Seal not to be affixed till duty is paid

And as to administration till bond is entered into

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executor or administrator, or his attorney or agent, with or without one or more sureties, as the Supreme Court may in each case direct, conditioned for the due administration of the estate of the testator or intestate (as the case may be).

Commencement
of Act

4. This Act shall come into operation and take effect on such day as may be appointed by the Governor in Council.

Short title

5. This Act may be cited as 'The Foreign Probate Act.'

H. ST. GEORGE ORD,
GOVERNOR.
