

## Act No. 14, 1906.

ADMINISTRATION  
AMENDING.

An Act to amend the Wills, Probate and Administration Act, 1898, and the Administration (Validating) Act, 1900; and for purposes consequent thereon or incidental thereto. [16th October, 1906.]

**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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Administration Amending Act, 1906." In its construction, the "Principal Act" means the Wills, Probate and Administration Act, 1898.

Repeal of section 43  
of Principal Act.

2. Section forty-three of the Principal Act is repealed, and the following inserted in its place:—

Delegation of certain  
powers of the court.

The judges, or any three of them, may, by rules of court in that behalf made, delegate to the registrar the powers of the court in and about—

- (a) the granting of probates and administration of estates where no contention has arisen;
- (b) the passing of the accounts of executors and administrators, save in respect of the award of commission thereon;
- (c) the granting to executors and administrators of further time to file accounts;
- (d) the authorising the sale, lease, or mortgage of any of the real estate as to which any person dies intestate where the gross value of such real estate does not exceed two hundred pounds, and no objection is raised to such sale, lease, or mortgage:

Provided that the registrar shall, where any party interested so desires, and in cases of doubt or difficulty, refer the matter to the Probate Judge.

Repeal of section 54  
of Principal Act.

3. Section fifty-four of the Principal Act is repealed, and the following is inserted in its place:—

Expenditure of  
infant's share in  
maintenance, &c.

Where any person has died intestate before or after the commencement of this Act, and the net value of the share of his real and personal property descending to an infant issue of such intestate did

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did not, at the time of such death, exceed five hundred pounds, the court may, on the application of such infant or of any such infants or of any person on his or their behalf, authorise the administrator to expend the whole or any portion of such share or shares of such infant or infants in his or their respective maintenance, advancement, or education.

4. The following subsection is inserted after subsection one of section eighty-two of the Principal Act:—

Amendment of section 82 of Principal Act. Retainer abolished.

(2) In the administration of the estate of any person dying before or after the commencement of this Act, in respect of which probate or letters of administration is or are granted after such commencement, no debt or liability of such person shall be entitled to any priority or preference by reason only that it is due to an executor or administrator of such estate.

5. Section one hundred and thirty-six of the Principal Act is amended by adding the following proviso:—

Amendment of section 136.

Provided that the curator may retain at credit of any such estate any sums of money which he may consider likely to be required to answer payments to be made out of such estate under any order of the court in force on the said day.

6. Section five of the Administration (Validating) Act, 1900, is repealed, and the following inserted in its place:—

Repeal of section 5 of the Administration (Validating) Act, 1900.

Where any person has died intestate, before or after the commencement of this Act, as to any real or personal estate used by him at the time of his death in any business, trade, or occupation, the court, or the Supreme Court in its equitable jurisdiction, may authorise the executor or administrator (whether probate or administration has been granted before or after the commencement of this Act) to postpone the realisation of the estate so used, or any part thereof, for such time as the court thinks fit, and in the meantime to carry on the said business, trade, or occupation, and to use therein such estate or part thereof, subject to such conditions as the court may think fit to impose.

Court may authorise business of intestate to be carried on.