



ANNO NONO

GEORGII V REGIS.

A.D. 1918.

No. 1354.

An Act to amend the Administration and Probate Acts, 1891 to 1914, and for other purposes.

[Assented to, December 5th, 1918.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the "Administration and Probate Amendment Act, 1918." Short titles.

(2) The Administration and Probate Acts, 1891 to 1914, and this Act, may be cited together as the Administration and Probate Acts, 1891 to 1918."

(3) The Administration and Probate Act, 1891, is hereinafter called the "principal Act."

2. This Act is incorporated with the other Acts mentioned in section 1 hereof, and those Acts and this Act shall be read together as one Act. Incorporation with other Acts.

Amendments.

3. Section 26 of the principal Act is amended by substituting the word "may" for the word "shall" in the sixth line thereof. Amendment of s. 26 of principal Act.

4. Section 27 of the principal Act is amended as follows:—

(a) By striking out the words "shall be" in the first line thereof;

(b) By inserting after the word "sealed" in the first line thereof the words "shall be issued out of the Supreme Court;" and

Amendment of *ibid.*, s. 27—

No probate or administration resealed to be issued until payment of duties.

(c) By

Administration and Probate Amendment Act.—1918.

(c) By substituting for the words “the granting of the like probate or administration by the Supreme Court of South Australia” in the third and fourth lines thereof, the words “delivery by the Registrar to the executor or administrator of the like probate or administration granted by the Supreme Court.”

Repeal of *ibid.*, ss. 35, 37, and 52.

5. Sections 35, 37, and 52 of the principal Act are hereby repealed.

Amendment of *ibid.*, s. 94.

6. Section 94 of the principal Act is amended so as to read as follows:—

Public Trustee may refuse to act in certain cases.

94. (1) Notwithstanding anything contained in section 93 the Public Trustee may, by leave of a Judge, refuse to accept the office of executor or trustee of any will where in the opinion of a Judge the complicated, uncertain, or risky nature of the trusts or duties to be performed render it undesirable that the Public Trustee should act.

(2) Upon such refusal the right of the Public Trustee as such executor or trustee shall wholly cease, and the representation of the testator and the administration of his estate shall go and devolve and be committed in like manner as if the Public Trustee had not been appointed.

Repeal of section 7 of Act 1174 of 1914.

7. Section 7 of the Administration and Probate Amendment Act, 1914, is hereby repealed.

Various Provisions.

Administration may be granted to attorney.

8. Any person entitled to probate or administration and being out of the jurisdiction may, by power of attorney, appoint the Public Trustee or any person within the jurisdiction to act for him, and administration may be granted to the Public Trustee or to such last-mentioned person on behalf of the person appointing him, and upon such terms and conditions as the Court thinks fit.

Probate to be evidence of wills concerning real estate.

9. (1) The probate of any will, or letters of administration with the will annexed, shall be evidence of the due execution of such will upon all questions concerning real estate in the same manner and to the same extent as heretofore concerning personal estate.

(2) The copy attached or annexed to such probate or letters of administration, purporting to be a copy of such will, shall be evidence of the contents of such will.

(3) The probate of any will or letters of administration shall be evidence of the death, and the date of the death of the testator or intestate.

10. Notwithstanding

Administration and Probate Amendment Act.—1918.

10. Notwithstanding anything contained in the principal Act, it shall not be necessary for the Acting or Deputy Registrar to be a practitioner of the Supreme Court.

Acting or Deputy
Registrar need not
be a practitioner.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

H. L. GALWAY, Governor.