

[Extract from *Commonwealth of Australia Gazette*, No. 17, dated 22nd March, 1934.]

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 6 of 1934.

AN ORDINANCE

To amend the Administration and Probate Ordinance 1929-1934.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1.—(1.) This Ordinance may be cited as the *Administration and Probate Ordinance (No. 2) 1934*. Short title and citation.

(2.) Sub-section (3.) of section one of the *Administration and Probate Ordinance 1934* is repealed.

(3.) The *Administration and Probate Ordinance 1929-1933*, as amended by the *Administration and Probate Ordinance 1934*, is in this Ordinance referred to as the Principal Ordinance.

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Administration and Probate Ordinance 1929-1934*.

2. Section five of the Principal Ordinance is amended by inserting, after the definition of "Justice", the following definition:—

"'portion of His Majesty's Dominions' includes any territory which is under His Majesty's protection or in respect of which a mandate under the League of Nations has been accepted by His Majesty;".

3. Section forty-one of the Principal Ordinance is amended by omitting the word "section" and inserting in its stead the words "sections fifty and". Property of deceased to be assets.

953.—PRICE 3D.

4. After section fifty-one of the Principal Ordinance the following section is inserted:—

Court may authorize postponement of realization and carrying on of business.

“51A.—(1.) The Court may, where it thinks it beneficial so to do and subject to such conditions as it thinks fit to impose, authorize an executor or administrator—

- (a) to postpone, for such period as the Court thinks fit, the realization of the real or personal estate of a deceased person, or any part of that estate; or
- (b) to carry on, for such period or periods as the Court from time to time thinks fit, the business, trade or occupation of the deceased person, and for that purpose to use therein such estate or part thereof.

“(2.) An order under this section may be made either *ex parte* or on such notice as the Court in any case thinks proper, and may be varied from time to time as the Court thinks fit.

“(3.) If any such executor or administrator has, prior to the commencement of this section, postponed the realization of the estate of a deceased person, or any part of that estate, or carried on the business, trade or occupation of the deceased person, the Court may, in its discretion, approve of any such postponement or carrying on of the business, trade or occupation, and the approval shall operate and take effect as if this section had been in force when such postponement or carrying on of the business, trade or occupation occurred and the approval had been obtained prior thereto.”

Dated this twenty-first day of March, 1934.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

A. J. McLACHLAN

for Minister of State for the Interior.