

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Tuesday, the 23rd day of June, 1885.

ADMINISTRATION ACT AMENDMENT BILL.

Mr. W. D. STEWART, in Committee, to move the following new clauses :—

(a.) Where a deed or other instrument is made or executed in professed exercise of the power to sell, lease, or mortgage conferred by the said Act or other Act, the title of the purchaser, lessee, or mortgagee shall not be impeachable or be affected on the ground that no case has arisen to authorize the sale, lease, or mortgage, or that the power was otherwise improperly or irregularly exercised; but any person damnified by an unauthorized or improper or irregular exercise of the power shall have his remedy in damages against the person exercising the power; and no purchaser, lessee, or mortgagee shall be concerned to see to the application of the money paid by him, or be responsible for the misapplication thereof.

(b.) Whenever an executor or administrator shall die, or shall be absent from the colony for six months, or shall be desirous of being discharged from the office of executor or administrator, or shall become incapable of acting as such, or shall be guilty of such misconduct in his office as renders it expedient he should be removed, the Court or Judge thereof may, by order on a summary application, discharge or remove such executor or administrator, and may, by order, appoint any person or persons to be executor or executors, or administrator or administrators, in the place of the executor or administrator discharged or removed, on such terms and conditions in all respects as the Court or a Judge may think fit. The executor or administrator so removed or discharged shall, from the date of such order, cease to be liable for acts and things done after such date. Upon every such appointment all the property and rights vested in the executor or administrator as such, discharged or removed as aforesaid, shall become and be vested in the person or persons appointed by the said order, and such person or persons shall have the same powers, authorities, and discretion, and may in all respects act, as if he had been originally appointed executor or administrator.

(c.) The provisions of sections eighty-one to eighty-eight, both inclusive, of "The Trustees Act, 1883," shall apply and extend to an executor and administrator respectively.

(d.) An executor or administrator may pay or allow any debt or claim on any evidence that he thinks sufficient, and may allow time for payment of any debt, and may compromise, compound, abandon, submit to arbitration, or otherwise settle any debt or claim relating to the estate of the deceased without being responsible for any loss occasioned by any act or thing done in good faith.

The foregoing provisions shall apply to all executors or administrators already or hereafter to be appointed.