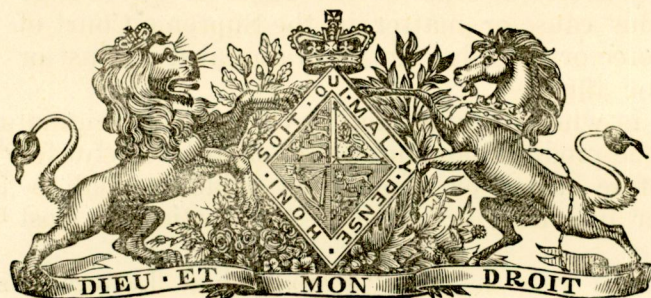


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 26 August, 1884. }*

*STEPHEN W. JONES,  
Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUADRAGESIMO OCTAVO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to facilitate Proof of Title by Devisees and others to  
Real Estate.

**W**HEREAS it is expedient to simplify and amend the law of Preamble.  
evidence in this Colony so as to facilitate the proof of title  
under wills by devisees and others to real estate Be it therefore  
enacted by the Queen's Most Excellent Majesty by and with the  
5 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:—

1. In any action at law suit in equity or other proceeding in  
this Colony where according to the existing law it would be necessary  
10 to produce and prove an original will in order to establish a devise or  
other testamentary disposition of or affecting real estate it shall be  
lawful for the party intending to establish in proof such devise or  
other testamentary disposition to give notice to the opposite party ten  
days at least before the trial or other proceeding in which the said  
15 proof shall be intended to be adduced notice that he intends at the  
said trial or other proceeding to give in evidence as proof of such  
devise

Imperial Act  
20 and 21 Vic. c. 77  
ss. 62 64 65.

*Probate and Letters of Administration Evidence.*

- devise or other testamentary disposition the probate of the said will or letters of administration with the will annexed or a copy thereof respectively stamped with any seal of the Supreme Court and in every such case such probate or letters of administration with the will annexed or a copy thereof respectively stamped as aforesaid shall be sufficient evidence of such will and of its validity and contents notwithstanding the same shall not have been proved in solemn form or otherwise declared valid in a contentious cause or matter by the said Court or any Judge thereof unless the party receiving such notice shall within four days after receipt of such notice give notice disputing the validity of such devise or other testamentary disposition. Provided however that such probate or letters of administration with the will annexed or copies thereof respectively stamped as aforesaid shall be absolutely binding and conclusive evidence in all Courts in this Colony (without the necessity of such notice as aforesaid) where the said will has been proved in solemn form or the validity thereof is otherwise declared by any decree or order of the Court or any Judge thereof in any contentious cause or matter in the Supreme Court of this Colony and such decree or order has not been appealed against or after such appeal has been affirmed.
2. In every case in which in such action or suit the original will shall be required to be produced and proved it shall be lawful for the Court or Judge before which or whom such evidence shall be given to direct and order by whom or which of the parties the cost thereof shall be paid.
3. This Act may be cited as the "Probate and Letters of Administration Evidence Act 1884."

Probate or letters of administration with will annexed made evidence in certain cases relating to real estate.

Except certain notices given by other side.

Proviso where will proved in solemn form or validity thereof judicially established.

Power of Court or Judge to order payment of costs of production and proof of original will.

Short title.