

1892-3.

Legislative Council.

PROBATE ACT AMENDMENT BILL.

(*New Clauses to be proposed in Committee of the Whole by*  
MR. O'CONNOR.)

*After clause 12 insert new clause 13 :—*

13. In all cases where a person shall die leaving property not exceeding five hundred pounds in value it shall not be necessary for the person to whom probate or administration has been granted to file an inventory of the estate of the deceased or to pass his accounts relating thereto, anything in section fifty-six of the "Probate Act of 1890" to the contrary notwithstanding: Provided that the Court may, on the application of any creditor of the deceased or of any person interested in the distribution of the estate, order that an inventory be filed and accounts passed in such manner and within such time and subject to such conditions as may seem just.

Not necessary to pass accounts in estates under £500.

*After clause 24 insert new clause 26 :—*

26. Upon the grant of letters of administration with the will annexed of the estate of any deceased person, all the real estate, whether held by such person beneficially or in trust, shall vest as from the death of such person in the administrator with the will annexed for all the estate therein of such person, and if there shall be more than one such administrator shall vest in them as joint tenants, and all such real estate shall be held by such administrator subject to the trusts and equities affecting the same, and such administrator shall hold the said real estate in trust for the payment of the debts of such person, and subject thereto according to the trusts and dispositions of the will.

Real estate to vest in administrator with the will annexed.

*After new clause 26 insert new clause 27 :—*

27. When an executor or administrator has given notice in accordance with section twenty-nine of the "Trust Property Act of 1862," and a claim against the estate is sent into him, he may, if he dispute the claim, serve upon the person by whom or on whose behalf the claim was sent in a notice calling upon him to take proceedings to enforce his claim within a period of , and to duly prosecute the same, and if after the said period of

Claims barred against executor or administrator in certain cases.

has expired such person as aforesaid does not satisfy the Court that he is duly prosecuting his claim, the Court may, on application by the executor or administrator, make an order barring the claim against the executor or administrator, subject to such conditions as may seem just, or may make such other order as the Court may think fit: Provided that nothing in this section shall prejudice the right of any creditor or claimant to follow the estate or any part thereof into the hands of any person who may have received the same.

*After new clause 27 insert new clause 28 :—*

28. Subject to regulations made by the Judges of the Supreme Court, which the said Judges are hereby authorised to make, the Master in Equity or Registrar shall in cases of urgency and in vacation have the powers of the Court in and about the granting of probate and administration of estates exceeding one thousand pounds in value where no contention has arisen: Provided that the Master in Equity or Registrar shall, where any party interested shall so desire and in cases of doubt or difficulty, refer the matter to the Probate Judge.

Master in Equity or Registrar to have power to grant probate or administration in vacation or in case of urgency.



## PROBATE ACT AMENDMENT BILL.

(*New Clauses to be proposed in Committee of the Whole by*  
MR. O'CONNOR.)

*After clause 12 insert new clause 13 :—*

13. In all cases where a person shall die leaving property not exceeding five hundred pounds in value it shall not be necessary for the person to whom probate or administration has been granted to file an inventory of the estate of the deceased or to pass his accounts relating thereto, anything in section fifty-six of the "Probate Act of 1890" to the contrary notwithstanding: Provided that the Court may, on the application of any creditor of the deceased or of any person interested in the distribution of the estate, order that an inventory be filed and accounts passed in such manner and within such time and subject to such conditions as may seem just.

Not necessary to pass accounts in estates under £500.

*After clause 24 insert new clause 26 :—*

26. Upon the grant of letters of administration with the will annexed of the estate of any deceased person, all the real estate, whether held by such person beneficially or in trust, shall vest as from the death of such person in the administrator with the will annexed for all the estate therein of such person, and if there shall be more than one such administrator shall vest in them as joint tenants, and all such real estate shall be held by such administrator subject to the trusts and equities affecting the same, and such administrator shall hold the said real estate in trust for the payment of the debts of such person, and subject thereto according to the trusts and dispositions of the will.

Real estate to vest in administrator with the will annexed.

*After new clause 26 insert new clause 27 :—*

27. When an executor or administrator has given notice in accordance with section twenty-nine of the "Trust Property Act of 1862," and a claim against the estate is sent into him, he may, if he dispute the claim, serve upon the person by whom or on whose behalf the claim was sent in a notice calling upon him to take proceedings to enforce his claim within a period of , and to duly prosecute the same, and if after the said period of

Claims barred against executor or administrator in certain cases.

has expired such person as aforesaid does not satisfy the Court that he is duly prosecuting his claim, the Court may, on application by the executor or administrator, make an order barring the claim against the executor or administrator, subject to such conditions as may seem just, or may make such other order as the Court may think fit: Provided that nothing in this section shall prejudice the right of any creditor or claimant to follow the estate or any part thereof into the hands of any person who may have received the same.

*After new clause 27 insert new clause 28 :—*

28. Subject to regulations made by the Judges of the Supreme Court, which the said Judges are hereby authorised to make, the Master in Equity or Registrar shall in cases of urgency and in vacation have the powers of the Court in and about the granting of probate and administration of estates exceeding one thousand pounds in value where no contention has arisen: Provided that the Master in Equity or Registrar shall, where any party interested shall so desire and in cases of doubt or difficulty, refer the matter to the Probate Judge.

Master in Equity or Registrar to have power to grant probate or administration in vacation or in case of urgency.

The first of these is the fact that the  
the second is the fact that the  
the third is the fact that the

the fourth is the fact that the  
the fifth is the fact that the  
the sixth is the fact that the  
the seventh is the fact that the  
the eighth is the fact that the  
the ninth is the fact that the  
the tenth is the fact that the

the eleventh is the fact that the  
the twelfth is the fact that the  
the thirteenth is the fact that the  
the fourteenth is the fact that the  
the fifteenth is the fact that the  
the sixteenth is the fact that the  
the seventeenth is the fact that the

the eighteenth is the fact that the  
the nineteenth is the fact that the  
the twentieth is the fact that the  
the twenty-first is the fact that the  
the twenty-second is the fact that the  
the twenty-third is the fact that the  
the twenty-fourth is the fact that the

the twenty-fifth is the fact that the  
the twenty-sixth is the fact that the  
the twenty-seventh is the fact that the  
the twenty-eighth is the fact that the  
the twenty-ninth is the fact that the  
the thirtieth is the fact that the

THE END OF THE WORLD

THE END OF THE WORLD

THE END OF THE WORLD