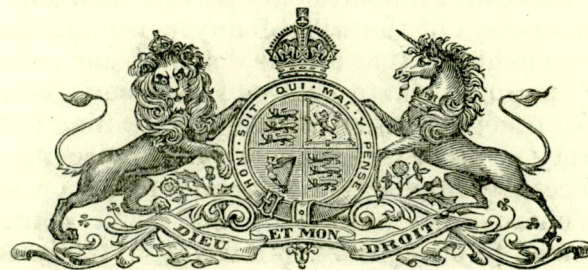


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, September, 1902.* }

Clerk of the Parliaments.

New South Wales.



ANNO SECUNDO

EDWARDI VII REGIS.

Act No. , 1902.

An Act to amend the law relating to the administration of the estates of deceased persons.

BE it enacted by the King's Most Excellent Majesty, by and with the 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:—

5 **1.** This Act may be cited as the " Law of Property Amendment Short title.
Act, 1902."

2. Section one hundred and nine of the Conveyancing and Law Repeal.
of Property Act, 1898, is repealed :

 Provided that notwithstanding such repeal, the said section
10 shall apply where the person referred to in that section died before the
commencement of this Act.

Law of Property Amendment.

3. (1) Where any person dies on or after the commencement of this Act, seised or possessed of or entitled to any land which is at the time of his death charged with the payment of any sum of money by way of mortgage or other equitable charge, including any lien for unpaid purchase money, and such person has not by his will or by deed or other document signified any contrary or other intention, the devisee, legatee, or personal representative to whom such land is devised or descends shall not be entitled to have such sum discharged or satisfied out of any other estate of the person so dying; but the land so charged shall, as between the different persons claiming through or under the person, so dying be primarily liable to the payment of the said sum, every part thereof according to its value being so liable to the payment of a proportionate part of such sum.

Real property descending charged with debts not exempt from payment of same. Act No. 17, 1898, 40 & 41 Vic., c. 34.

(2) In the construction of the will of any person so dying, a general direction that the debts or that all the debts of such person shall be paid out of his personal estate shall not be deemed to be a signifying of a contrary or other intention within the meaning of this section unless such contrary or other intention is further declared by words expressly or by necessary implication referring to all or some of the testator's debts charged as aforesaid; and such contrary intention shall not be deemed to be signified by a charge of or direction for payment of debts upon or out of residuary real and personal estate or residuary real estate.

General directions for payment of debts. 30 & 31 Vic., c. 69, s. 1.

40 & 41 Vic., c. 34, s. 1.

4. (1) Nothing in the last preceding section shall affect or diminish any right of any person entitled to the payment of any sum so charged to obtain full payment or satisfaction of such sum either out of the personal estate of the person so dying or otherwise.

Savings as to rights of creditors.

(2) Nothing in the last preceding section shall affect the right of any person claiming under or by virtue of any will, deed, or document made before the first day of January, one thousand eight hundred and fifty-six.

Where will or document made before 1 January, 1856.

5. The exemption provided by section four of the Life, Fire, and Marine Insurance Act, 1902, shall apply in all cases, unless the person who has effected a policy or policies of assurance as therein mentioned has, by writing, expressly charged such policy or policies or the proceeds thereof with the payment of his debts or any portion thereof by specific reference to such policy or policies or proceeds in the words creating such charge.

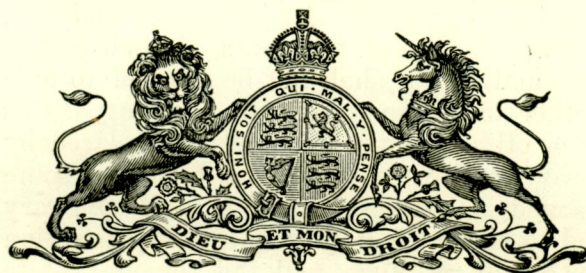
Exemption as to protected assurance moneys to apply unless policy or proceeds mentioned in charge.

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

*Legislative Council Chamber,
Sydney, 24th September, 1902.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SECUNDO

EDWARDI VII REGIS.

Act No. , 1902.

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BE it enacted by the King's Most Excellent Majesty, by and with the 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:—

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Act, 1902."

2. Section one hundred and nine of the Conveyancing and Law Repeal.
of Property Act, 1898, is repealed:

10 Provided that notwithstanding such repeal, the said section
shall apply where the person referred to in that section died before the
commencement of this Act.

Law of Property Amendment.

3. (1) Where any person dies on or after the commencement of this Act, seised or possessed of or entitled to any land which is at the time of his death charged with the payment of any sum of money by way of mortgage or other equitable charge, including any lien for unpaid purchase money, and such person has not by his will or by deed or other document signified any contrary or other intention, the devisee, legatee, or personal representative to whom such land is devised or descends shall not be entitled to have such sum discharged or satisfied out of any other estate of the person so dying; but the land so charged shall, as between the different persons claiming through or under the person so dying be primarily liable to the payment of the said sum, every part thereof according to its value being so liable to the payment of a proportionate part of such sum.

Real property descending charged with debts not exempt from payment of same. Act No. 17, 1898, 40 & 41 Vic., c. 34.

(2) In the construction of the will of any person so dying, a general direction that the debts or that all the debts of such person shall be paid out of his personal estate shall not be deemed to be a signifying of a contrary or other intention within the meaning of this section unless such contrary or other intention is further declared by words expressly or by necessary implication referring to all or some of the testator's debts charged as aforesaid; and such contrary intention shall not be deemed to be signified by a charge of or direction for payment of debts upon or out of residuary real and personal estate or residuary real estate.

General directions for payment of debts. 30 & 31 Vic., c. 69, s. 1.

40 & 41 Vic., c. 34, s. 1.

4. (1) Nothing in the last preceding section shall affect or diminish any right of any person entitled to the payment of any sum so charged to obtain full payment or satisfaction of such sum either out of the personal estate of the person so dying or otherwise.

Savings as to rights of creditors.

(2) Nothing in the last preceding section shall affect the right of any person claiming under or by virtue of any will, deed, or document made before the first day of January, one thousand eight hundred and fifty-six.

Where will or document made before 1 January, 1856.

5. The exemption provided by section four of the Life, Fire, and Marine Insurance Act, 1902, shall apply in all cases, unless the person who has effected a policy or policies of assurance as therein mentioned has, by writing, expressly charged such policy or policies or the proceeds thereof with the payment of his debts or any portion thereof by specific reference to such policy or policies or proceeds in the words creating such charge.

Exemption as to protected assurance moneys to apply unless policy or proceeds mentioned in charge.

Legislative Council.

No. , 1902.

A BILL

To amend the law relating to the administration of the
estates of deceased persons.

[MR. WISE ;—25 *June*, 1902.]

BE it enacted by the King's Most Excellent Majesty, by and with
the 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:—

5 **1.** This Act may be cited as the “ Law of Property Amendment Short title.
Act, 1902.”

2. Section one hundred and nine of the Conveyancing and Law Repeal.
of Property Act, 1898, is repealed :

 Provided that notwithstanding such repeal, the said section
10 shall apply where the person referred to in that section died before the
commencement of this Act.

Real property
descending charged
with debts not
exempt from
payment of same.
Act No. 17, 1898,
40 & 41 Vic., c. 34.

3. (1) Where any person dies on or after the commencement of this Act, seised or possessed of or entitled to any land which is at the time of his death charged with the payment of any sum of money by way of mortgage or other equitable charge, including any lien for unpaid purchase money, and such person has not by his will or by deed or other document signified any contrary or other intention, the devisee, legatee, or personal representative to whom such land is devised or descends shall not be entitled to have such sum discharged or satisfied out of any other estate of the person so dying; but the land so charged shall, as between the different persons claiming through or under the person so dying be primarily liable to the payment of the said sum, every part thereof according to its value being so liable to the payment of a proportionate part of such sum. 5 10

General directions
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