

T A S M A N I A.



1 8 6 1.

ANNO VICESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 6.

AN ACT to amend the Act, intituled *An Act for the better Preservation and Management of the Estates of deceased Persons in certain Cases.*

[30 November, 1861.]

WHEREAS the *Act for the better Preservation and Management of the Estates of deceased Persons in certain Cases* is ambiguous in certain respects, and requires amendment: Be it enacted by His Excellency the Governor, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 The 17th Section of the said recited Act is hereby repealed, and so much of the 16th Section of the said Act as provides that the Curator shall pay over the residue of such personal Estate as therein mentioned to the personal representative or representatives of the Intestate or Testator (as the case may be) so soon as such representative or representatives shall have been ascertained and duly constituted by Law is hereby repealed; and in lieu thereof, be it enacted that such residue of such personal Estate shall, from time to time, be paid and distributed in such manner and to and amongst such persons as the Supreme Court or a Judge thereof may direct; and such Court or Judge shall not require strict legal proof of the right or title of any party claiming to be entitled to any share of such Estate, but may admit such claim upon any evidence which shall to such Court or Judge appear reasonably

Residue of Estate may be distributed according to Order of the Court or a Judge.

sufficient, and the said Curator shall pay the money so ordered to be paid, or, if necessary, shall remit the same in such manner as he shall think most safe and convenient; and all proceedings before the said Court or any Judge thereof, under the provisions of this Section, may be had in a summary way by petition, motion, or summons, by or on behalf of the Curator or of any person who may be interested in such residue or any part thereof.

Acts to be read together.

2 This Act and the Act of Council 17 *Victoria*, No. 4, and the Act of Council 17 *Victoria*, No. 25, subject to any alterations made in either of the said Acts by this Act, shall be read and construed together as one Act.