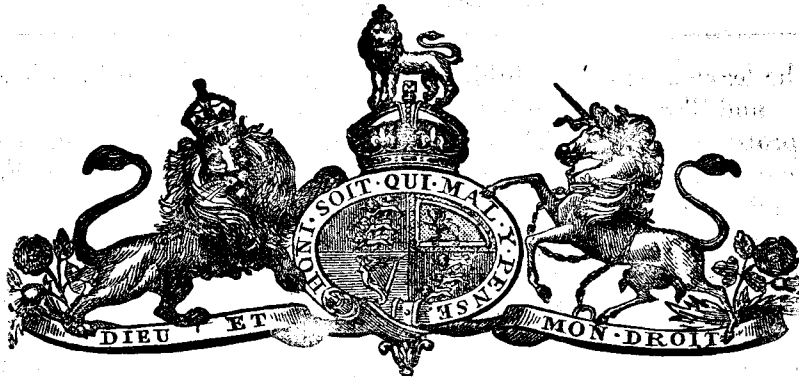


TASMANIA.



1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 17.

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AN ACT to amend the Law as to the Distribution of the Property of Intestates, and for other purposes. [8 November, 1906.]

A.D. 1906.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 The short title of this Act is "The Distribution of Intestates' Property Act, 1906." Short title.

2 "Property" includes both real and personal estate and choses in action. Interpretation.

3 The Law now in force in this State providing for the distribution of the estates of persons dying intestate is modified as follows, namely:— Distribution of estates of persons dying intestate.

The property as to which a man dies intestate, after the commencement of this Act shall, subject to the provisions of Section Four of this Act, be allotted or distributed as follows:— Cf. 49 Vict. No. 62, s. 3 (N.Z.).

If he leave a wife, but no children, him surviving, the whole to his wife absolutely.

4d.]

*Intestates' Property.*

A.D. 1906.

If he leave a wife and children him surviving, One-third to his wife and Two-thirds to his children.

The property as to which a woman dies intestate, after the commencement of this Act, shall, subject to the provisions of Section Four of this Act, be allotted or distributed as follows:—

If she leave a husband, but no children, her surviving, the whole to her husband absolutely.

If she leave a husband and children her surviving, One-third to her husband and Two-thirds to her children.

In the event of a child of the intestate predeceasing the intestate, and leaving a child or children surviving the intestate, such last mentioned child or children shall take (and if more than One, equally between them) the share which his or their parent would have taken in the intestate's estate if such parent had survived the intestate.

The provisions of this Section shall apply to all cases of Intestacy, whether total or partial.

Intestate's property not exceeding £1000 to belong to widow or widower. Cf. 53 & 54 Vict., c. 29 (Eng.).

If property exceeds £1000 widow or widower to have charge for £1000.

Above provision to be in addition to share of residue.

How property to be valued.

This Section not to apply to "a partial intestacy."

Infants may, in certain cases, make wills, if married. N.Z., s. 5.

4—(1.) The property of any person dying intestate, after the commencement of this Act, and leaving a widow or widower, shall, in all cases where its net value does not exceed One thousand Pounds, belong to the widow or widower of such person absolutely and exclusively.

(2.) Where the net value of such property exceeds One thousand Pounds, the widow or widower of the intestate shall be entitled to One thousand Pounds thereof absolutely and exclusively, and shall have a charge upon the whole of such property for such One thousand Pounds, with interest thereon from the date of the death of the intestate at Four per centum per annum until payment.

(3.) The provision for the widow or widower intended to be made by this Section, shall be in addition and without prejudice to her or his interest or share in the residue, if any, of the property of the intestate remaining after payment of the sum of One thousand Pounds, in the same way as if such residue had been the whole of the intestate's property, and the provisions of this Section had not been enacted.

(4.) The net value of such property as aforesaid shall be ascertained by deducting from the gross value thereof all debts and funeral expenses of the intestate, and all other lawful liabilities and charges to which the said property may be subject.

(5.) The provisions of this Section shall not apply to any case of partial intestacy.

5 Every male infant not under the age of Nineteen years, and every female infant not under the age of Eighteen years, after his or her marriage, shall be competent to make a valid will disposing of all or any part of his or her property.