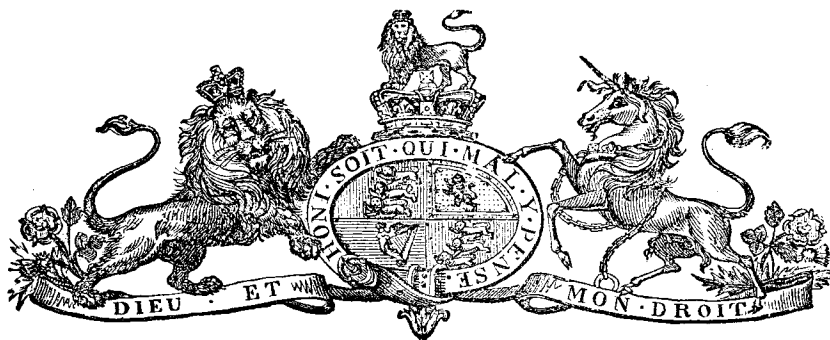


T A S M A N I A.



1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 20.

AN ACT to further amend "The Deceased Persons' Estates Act, 1874." A.D. 1885.

[5 December, 1885.]

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 Sections Twenty-eight and Twenty-nine of "The Deceased Persons' Estates Act, 1874," shall, as to any testator or intestate dying after the Thirty-first day of *December*, One thousand eight hundred and eighty-five, be held to extend to a testator or intestate dying seised or possessed of or entitled to any land or other hereditaments of whatever tenure which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage or any other equitable charge, including any lien for unpaid purchase-money ; and the devisee or legatee shall not be entitled to have such sum or sums discharged or satisfied out of any other estate of the testator or intestate, unless (in the case of a testator) he shall within the meaning of the said Sections have signified a contrary intention ; 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.

Application of certain provisions of 38 Vict. No. 1. 40 & 41 Vict. c. 34, s. 1.

Deceased Persons' Estates.

A.D. 1885.

Distribution of
real estate of
married woman
deceased intestate.

2 Upon the death of any married woman intestate, any land to which she may have been entitled in fee simple or for any estate enduring beyond her life, shall go to and vest in her legal personal representative, and be disposable in like manner as other personal assets ; and, subject to the payment of her debts and liabilities (if any), the proceeds of the sale of such land shall go and be divisible as follows :—one-third to her husband if he survive his wife, and two-thirds to and equally among her children, (the issue of deceased children taking *per stirpes*). If there are no children, and no issue of any deceased child, such proceeds shall go and be divisible as follows :—one-half to the surviving husband, and the other half equally to and among the next of kin of such intestate married woman, *per capita*.

The proceeds of the sale of the chattels real of an intestate married woman shall be distributed in like manner as is herein provided with reference to land.

Short title.

3 This Act may be cited as “The Deceased Persons’ Estates Act, 1885.”