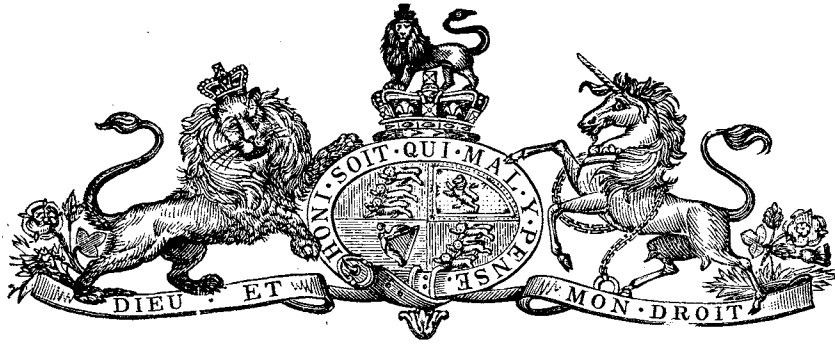


T A S M A N I A .

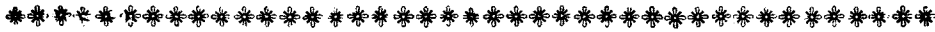


1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 35.



AN ACT to amend an Act intituled "An Act for the Relief of Executors and Administrators." [29 October, 1898.]

WHEREAS it is expedient to amend the Act, 21 Victoria, No. 4, intituled "An Act for the Relief of Executors and Administrators," in the manner hereinafter appearing :

Be it therefore 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 This Act may be cited as "The Executors and Administrators Relief Act, 1898."

2 In this Act, the expression "the said Act" shall mean the Act, 21 Victoria, No. 4, intituled "An Act for the Relief of Executors and Administrators"; and the word "Executor" shall mean an Executor in any capacity, and "Administrator" shall mean an Administrator in any capacity.

3 Sections One, Two, Five, and Seven of the said Act are hereby repealed.

4 An Executor or Administrator may at any time after Probate of Will or Letters of Administration have been granted to him advertise, as directed in the said Act, for claims against the estate of the Testator or Intestate in respect of whose estate Probate of Will or Letters of Administration have been granted to him.

Executors and Administrators Relief.

A.D. 1898.

Contents of advertisements.

5 Every advertisement published in pursuance of this Act shall contain the name and addition of the Testator or Intestate; also the name and addition of the Executor or Administrator; and shall require all claims against the estate of the Testator or Intestate to be sent to the Registrar of the Supreme Court in writing on or before a certain day to be mentioned in the advertisement.

Where advertisements to be published.

6 Notwithstanding the provisions of Section Four of the said Act, as respects Claimants in any other of the *Australian* Colonies, it shall only be necessary to advertise in the Colony where the Claimant usually resided at the date of the death of the Testator or Intestate; and, as respects Claimants elsewhere than in any of the *Australian* Colonies, it shall only be necessary to advertise in the *London Gazette* when the Claimant at the date aforesaid did not reside in any of such Colonies. The term "Claimant" shall include a Company. "*Australian Colonies*" shall include the Colony of *New Zealand*.

Times within which claims must be sent in to Registrar.

7—(1.) If the advertisement is published only in *Tasmania*, the day therein mentioned as that on or before which claims are to be sent to the Registrar of the Supreme Court shall be not less than One month nor more than Two months after the last publication of the advertisement.

(2.) If the advertisement is also published in any one or more of the other *Australasian* Colonies, such day shall not be less than Two nor more than Four months after the date of the last publication of the advertisement.

(3.) If the advertisement is also published in *London*, such day shall not be less than Four nor more than Eight months after the date of the last publication of the advertisement.

Registrar to file claims.

8 All claims against the estate of any Testator or Intestate which shall be sent to the Registrar of the Supreme Court in accordance with any such advertisement as aforesaid, shall be forthwith recorded by the Registrar in a book which shall be called "The Claims Book," and within One week after receipt thereof respectively shall be transmitted by the Registrar to the Executor or the Administrator.

Affidavit of advertisement to be filed with Registrar.

9 Before any Executor or Administrator shall be entitled to claim the benefit of the said Act he shall file with the Registrar of the Supreme Court an affidavit stating what advertisements have been published by him in pursuance of this Act, and such affidavit shall be *prima facie* evidence that the advertisements therein set forth have been duly published as therein mentioned.

Gazette and newspapers may be filed with Registrar.

10 Every Executor or Administrator who shall desire to do so may file with the Registrar of the Supreme Court copies of the *Gazettes* and newspapers in which he has published any such advertisement as aforesaid, and may refer to such copies of *Gazettes* and newspapers in such affidavit as is hereinbefore mentioned, instead of setting forth the particulars of such advertisements in such affidavit.

Form of account.

11 The "Form of Account" prescribed in the Schedule to the said Act may be varied by the Registrar of the Supreme Court from time to time as the circumstances of the case may require.

Acts to be read together.

12 This Act and the said Act shall be read and construed together as one Act.