



ANNO QUADRAGESIMO SEPTIMO ET QUADRAGESIMO
OCTAVO

VICTORIÆ REGINÆ.

A.D. 1884.

No. 324.

An Act to further amend the Law of Inheritance.

[Assented to, November 14th, 1884.]

BE it Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as “The Intestate Married Women’s Real Estates Distribution Act,” and, except so far as inconsistent therewith, this Act shall be incorporated and read as one with “The Intestate Real Estates Distribution Act, 1867,” hereinafter referred to as the “said Act.” Short title and incorporation.

2. The meaning assigned by the said Act to the word “lands” shall extend to include lands held by or for any married woman, and whether for her separate use or otherwise. Interpretation.

3. All lands which any married woman shall die seized or possessed of, or entitled to, without devising the same, or which she shall only partially devise, and which at the time of her decease she had, or, but for her coverture, she would have had power to devise, shall pass to and become vested in the personal representative of such married woman if undevised absolutely, or, if partially devised, then subject to such partial devise; and such personal representative shall hold the said lands, and the unapplied proceeds of such lands in case the same shall be sold, for the purposes mentioned, and subject to all the provisions contained in the said Act, and applying to lands passing to and becoming vested in a personal Undevised lands of married women to pass to personal representative.

The Intestate Married Women's Real Estates Distribution Act.

personal representative, pursuant to section 1 of the said Act, excepting only as mentioned in the next section.

Mode of distribution. **4.** In lieu of the said lands and proceeds being held for division or distribution in the same manner as in the case of chattel real property, the same shall be held for division or distribution in manner following:—If such married woman shall have left any child or remoter issue surviving her, the husband of such married woman shall be entitled to a one-third share or interest in such lands or proceeds; but if such married woman shall not have left any child or remoter issue surviving her, then the husband of such married woman shall be entitled to a one-half share or interest in such lands or proceeds; and in any case the next of kin of such married woman shall be entitled to the residue of such lands or proceeds in the shares and interests in which they would have been entitled thereto had the same been the personal estate of such married woman, distributable amongst her next of kin according to the statutes for the distribution of the personal estate of intestates.

Distribution of
personal estate of
married women.

5. As regards any personal estate of or to which any married woman shall die possessed or entitled, without bequeathing the same, or which she shall only partially bequeath, and which at the time of her decease she had, or, but for her coverture, would have had power to bequeath the same, shall be held for division or distribution in the same manner as is provided by section 4 with reference to the division and distribution of the lands and proceeds referred to in the said section.

Administration.

6. Administration to the estate and effects of any person may be granted, notwithstanding such person may not have died possessed of or entitled to any personal estate.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.