

No. , 1910.

A BILL

To amend the law with respect to succession on intestacy and inquiries on escheats; to amend the Wills, Probate and Administration Act, 1898; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited at the "Intestacy and Escheats Act, Short title. 1910."

This Act shall bind the Crown.

Intestacy of illegitimate persons.

2. Where, after the commencement of this Act, any male illegitimate dies intestate, leaving no issue—

Succession to intestate estate of illegitimate male.

(a) the widow and the mother of the intestate, if both are alive at the time of his death, shall succeed in equal shares to the real and personal estate of the intestate;

21—(2)

(b)

Intestacy and Escheats.

- (b) if at the said time the mother is dead and the widow is alive, the widow shall succeed to the whole of such real and personal estate ;
- (c) if the intestate leaves no widow, his mother, or, if at the said time she is dead, her next of kin under and according to the Statute of Distributions, shall succeed to the whole of such real and personal estate, excluding his father and all persons claiming through him.

3. Where, after the commencement of this Act, any female illegitimate dies intestate, leaving no husband or legitimate children or their issue her surviving, but leaving illegitimate children or their issue, such illegitimate children or their issue shall succeed to her real and personal property in all respects as if such children were legitimate ; and if she leave no legitimate or illegitimate children or their issue and no husband, then her mother, or if she be dead her mother's next of kin, under and according to the Statute of Distributions, shall succeed.

Succession to
intestate estate of
illegitimate female.

Escheats to Crown.

4. The Governor may issue a commission to the persons exercising the office of Commissioners for examining and reporting upon claims to grants of lands within the Colony of New South Wales for the holding of an inquiry, in such manner as he thinks fit, into the title of His Majesty to any real estate or any interest therein in cases of escheat or alleged escheat to the Crown, and may make regulations prescribing the procedure and practice in such inquiries.

Inquiries on escheat.

Such regulations shall be published in the Gazette, and shall be laid before both Houses of Parliament without delay.
