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No , 1915.

A BILL

To amend the Public Trustee Act, 1913; the Public Service Act, 1902, and other Acts; to enable corporate bodies to hold property in joint tenancy; and for other purposes.

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 as the "Public Trustee Short title. (Amendment) Act, 1915."

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451—(2)

2.

2. The Public Trustee Act, 1913, is amended as follows:—

Amendments
to Public
Trustee Act.

- (a) In subsection one of section ten omit the words "under an order to collect".
- (b) In subsection four of section twelve omit the words "nor the administration of any estate known or believed by him to be insolvent".
- (c) In subsection one of section thirteen omit the proviso.
- (d) Sections fourteen and fifteen are repealed.

3. In section seven of the same Act add the following subsections:—

The holding
of property
in joint
tenancy.

- (2) The public trustee as such corporation shall be capable of acquiring and holding any real or personal property in joint tenancy in the same manner as if such corporation were an individual; and any other corporation shall be capable of holding any such property jointly with the public trustee in the same manner as if it were an individual.

See 62 and
63 Vic., c. 20.

Where the public trustee and an individual or the public trustee and another corporation become entitled to any such property under circumstances or by virtue of any instrument which would if the bodies corporate had been individuals have created a joint tenancy, they shall be entitled to the property as joint tenants:

Provided that the acquisition and holding of property by a body corporate, in joint tenancy, as aforesaid, shall be subject to the like conditions and restrictions as attach to their acquisition and holding of property by a body corporate in severalty.

- (3) Where the public trustee and any other body corporate are joint tenants of any property, then on the dissolution of such other corporation the property shall devolve on the public trustee.

4. The following section is inserted next after section eighteen of the said Act:—

Election by
public trustee
to administer.

18. (1) Where any person has heretofore died or hereafter dies testate, in or out of New South Wales, leaving property the gross value of which,

as

as estimated by the public trustee, does not at the time of the election, hereinafter mentioned, exceed four hundred pounds, and no person has obtained probate, the public trustee may, in all cases where he is entitled to obtain probate, file in the office of the Supreme Court an election under his hand and seal setting forth the name, residence, and occupation (as far as then known to the public trustee) of the testator at the date of his death, and stating that, after due inquiries, he believes that the document annexed to such election is the testator's last will, and that such will has been validly executed according to the law governing the execution of wills, and electing to administer the property according to the provisions thereof.

(2) When any person has heretofore died or hereafter dies intestate, in or out of New South Wales, leaving property the gross value of which, as estimated by the public trustee, does not at the time of the election hereinafter mentioned exceed four hundred pounds, and no person has taken out letters of administration, the public trustee may, in all cases where he is entitled to take out letters of administration, and in lieu of taking out such letters, file in the office of the Supreme Court an election under his hand and seal setting forth the name, residence and occupation (so far as then known to the public trustee) of the intestate, and the property forming his estate, as then known to the public trustee, and electing to administer such estate.

(3) On such election being filed the public trustee shall be deemed to be executor or administrator (as the case may be) in like manner in all respects as if probate or letters of administration had been duly granted to him.

(4) The public trustee shall publish in the Gazette, and in one daily newspaper published in Sydney, a notice that he has made such an election, and such notice shall be conclusive evidence that the public trustee is rightfully entitled to administer under this section.

(5)

(5) If after filing such election the gross value of the property to be administered is found to exceed the sum of six hundred pounds, the public trustee shall, as soon as practicable thereafter, file in the said office of the Supreme Court a memorandum under his hand stating the fact, and proceed in the ordinary manner to obtain probate or letters of administration.

(6) In this section "will" includes all codicils thereto, and "probate" includes letters of administration with the will annexed, whether granted for general, limited, or special purposes.

5. Sections nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two, and the short heading "The public trustee as collector under an order to collect" are repealed.

6. The following section is inserted next after section fifty-eight of the same Act :—

58A. The Minister shall have power to appoint, promote, dismiss, control, and fix the salaries of the officers and persons employed in the Public Trust Office.

The Public Service Act, 1902, and the Acts amending it, except the provisions thereof relating to pensions, refunds, and gratuities, shall not apply to such officers, but for the purpose of the said provisions and of the Civil Service Act of 1884, service in the public trust office shall be deemed service in the Public Service of New South Wales : Provided that in applying section seventy-one of the Public Service Act, 1902, to any such officers, the said section is amended by omitting the words "by the Board under the provisions of this Act" and in paragraph (a) by omitting "this Act" and inserting "the Public Service Act of 1895".

Provided also that nothing in this section shall affect any rights to accumulated leave acquired or accrued before the commencement of the Public Trustee (Amendment) Act, 1915.

Repeal.
Appointment
and control of
officers.