

No. , 1899.

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## A BILL

To constitute a public trustee, and to amend the Wills, Probate  
and Administration Act, 1898.

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**B**E it enacted by the Queen'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. (1) The Governor may appoint a person to be the public trustee, and may appoint a deputy who, during the absence from his office of the public trustee, shall have the powers and perform the duties of the public trustee. <sup>Appointment of public trustee.</sup>

(2) On the death, resignation, or removal of the public trustee, his successor, immediately on his appointment and by virtue thereof, shall become entitled to administer all real and personal estate, the right to administration of which is by this Act vested in any predecessor, and which has been left unadministered by any predecessor, and shall become entitled to the possession of all books, accounts, letters, papers, and documents of every description used by or in the possession or under the control of any predecessor relating to any estate which such predecessor was entitled to administer or to the office of public trustee. <sup>Successor to public trustee.</sup>

*Public Trustee.*

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2. Where any person has died intestate, whether before or after the commencement of this Act, and at the time of the application by the public trustee for administration of the estate of the person so dying, any person entitled in distribution to a share of such estate is under the age of twenty-one years or is domiciled in some place outside the Colony of New South Wales, administration of such estate may be granted to the public trustee, and shall be granted to no other person.

Public trustee to administer certain intestate estates.

It shall be the duty of the public trustee to apply for such administration and to administer such estate in due course of law.

But where, before or after the commencement of this Act, letters of administration have been granted in some place outside New South Wales in respect of any estate, this section shall not apply to the sealing of those letters of administration or to the granting of administration of that estate in pursuance of the Wills, Probate and Administration Act, 1898.

3. Where any person has died intestate, whether before or after the commencement of this Act, and at the time of the election hereinafter mentioned all the persons entitled in distribution to the estate of the person so dying are of the age of twenty-one years or over that age and are domiciled at some place within the Colony of New South Wales, a majority in number of those persons may by writing under their hands elect—

Where administration may be granted to a company, person, or the public trustee.

(a) any one of those persons; or

(b) any one of the companies authorised in that behalf by the Governor; or

(c) the public trustee

to apply for administration of such estate; and the person or company so elected may apply for and accept such administration, and upon such administration being granted shall administer such estate in due course of law.

The Governor may grant an authority as before-mentioned subject to such conditions as he may think reasonable.

4. It shall not be necessary for the public trustee to execute any bond to Her Majesty conditioned for duly collecting, getting in, or administering any personal or real estate.

Public trustee need not execute bond for due administration.

5. The public trustee may be appointed the executor of any will and obtain probate of the same, and shall thereupon have the powers and duties of an executor.

Public trustee may be appointed executor.

6. The public trustee shall be entitled to receive on behalf of Her Majesty, in addition to all moneys properly expended by him in the administration of any estate, a commission at a rate to be fixed by the Governor not exceeding two and a half per centum of the capital value of the estate, and five per centum of the annual income of the estate received by the public trustee. But the court in any case on the application of any person interested may reduce the commission payable under this section.

Commission payable to public trustee.

Such commission shall be payable out of any moneys in the possession of the public trustee representing the said estate.

7. This Act shall be construed with the Wills, Probate and Administration Act, 1898, and may be cited as the "Public Trustee Act, 1899."

Incorporation and short title.