

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Friday, the 19th day of June, 1885.

ADMINISTRATION ACT 1879 AMENDMENT BILL.

Mr. GARRICK, in Committee, to move the following additional clauses:—

(a.) From and after the passing of this Act the proviso to section 8 of “The Administration Act, 1879” (hereinafter called “the said Act”), shall be and the same is hereby repealed: Provided always that nothing in the said Act or in this Act contained shall render it compulsory upon any executor or administrator to apply to the Court for leave to exercise any power of sale in respect of any personal estate, or the power to lease any real estate; but no executor or administrator shall sell any real estate to a greater amount in the whole than *five hundred* pounds without the leave of the Court.

(b.) Any executor or administrator seeking the leave of the Court to sell any freehold estate shall state in his petition the particulars of the freehold estate of which the testator or intestate died seised or beneficially entitled, and the debts and liabilities of the testator or intestate, and specifying which of such debts, if any, are secured by mortgage or other charge, over what property, and for what amounts.

(c.) No order shall be made for the sale of, neither shall any executor or administrator have power under this or the said Act to sell, any property specifically devised (except property specifically devised for payment of debts), unless all persons interested therein shall consent, and unless and until all the residue of the property shall have been applied towards payment of the debts of the testator and be insufficient, and no such order or sale shall be made except so far as shall be necessary to provide funds for such insufficiency.

(d.) In case the Court shall direct the sale of any property specifically devised, or the mortgage or lease thereof, for the purpose of providing funds for the payment of the testator’s debts, the person or persons to whom the same was so devised shall be entitled to rank against the residue of the estate of such testator for the value or diminished value thereof, and the Court may order all persons entitled under the will of the testator to contribute *pro tanto* towards payment of the value or diminished value of such specifically-devised property so directed to be sold, mortgaged, or leased, and may fix the amount of such contribution, and such order may be registered as a charge or incumbrance against the residue of the estate of such testator, and may be enforced in such manner as the Court shall direct.