

# THE INTESTACY ACT OF 1877<sup>(1)</sup> (QUEENSLAND, ADOPTED).

**An Act to Alter the Succession to Real Estate and to amend the Law relating to the Distribution and Administration of the Estates of Intestates and to provide for the due Administration of Estates whereof there is no Administrator and for other purposes.**

**W**HEREAS it is expedient to alter the succession to real estate and to amend the law relating to the distribution and administration of the estates of persons who die intestate and to make

(1) *The Intestacy Act of 1877* of Queensland in its application to the Territory of Papua comprises the original *The Intestacy Act of 1877* of Queensland referred to in Part I of the following Table, as amended by the Ordinance of the Possession of British New Guinea referred to in Part II of the following Table and by the Ordinance of the Territory of Papua referred to in Part III of the following Table:—

## TABLE.

### PART I.—ACT OF THE STATE OF QUEENSLAND.

Citation of Act.	Ordinance by which adopted.	Date on which adoption took effect.
<i>The Intestacy Act of 1877</i> (41 Vic. No. 24) (a)	<i>The Courts and Laws Adopting Ordinance (Amended) of 1889</i> (No. 6 of 1889)	23.11.1889 (Supplement to British N.G. Govt. Gaz. of 23.11.1889)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.

### PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL OF BRITISH NEW GUINEA.

Short title, number and year.	Date of Assent by Administrator.	Date on which published in British N.G. Govt. Gaz.	Date on which took effect.
<i>The Criminal Code Ordinance of 1902</i> (a) (No. 7 of 1902)	15.12.1902	20.12.1902	20.12.1902 (Supplement to British N.G. Govt. Gaz. of 20.12.1902)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.

### PART III.—ORDINANCE OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of Assent by Lieut.-Gov. in Council.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Probate and Administration Ordinance, 1913</i> (No. 11 of 1913)	14.8.1913	4.3.1914	1.5.1914 (Papua Govt. Gaz. of 1.5.1914)

## WILLS AND INTESTACY—

provision for the due administration of such estates and of the estates of such other deceased persons as are left unadministered and further to amend the law relating to wills and intestacy Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows:—

Sections 1-51  
repealed by  
No. 11 of 1913,  
s. 2.

\* \* \* \* \*

Power to  
married woman  
to make a will.

52. It shall be lawful for any married woman seized in her own right of land or any estate or interest in land to devise bequeath or dispose of the same by will as effectually as if she were a *femme sole* Provided that such will shall be acknowledged by her in the same manner as any instrument of conveyance by her *inter vivos* would by any law now in force or hereafter to be in force require to be acknowledged but her husband's consent shall not be required to any such will and he shall not be precluded from taking under it.

Section 53  
repealed by No.  
11 of 1913, s. 2;  
Section 54  
repealed by No.  
7 of 1902, s. 2  
and First  
Schedule;  
Sections 55 and  
56 repealed by  
No. 11 of 1913,  
s. 2.

\* \* \* \* \*

Commencement  
and short title.

57. This Act shall commence on the first day of July one thousand eight hundred and seventy-eight and shall be styled and may be cited as "*The Intestacy Act of 1877.*"<sup>(1)</sup>

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(1) See footnote (1) printed on previous page.