

- (a) the requirements as to bringing property into account shall apply to any beneficial interests acquired by the surviving spouse and any issue of the deceased under the will of the deceased, but not to beneficial interests so acquired by any other persons; 3/1988  
S. 6.
- (b) the personal representative shall, subject to his rights and powers for the purposes of administration, be a trustee for the persons entitled under this Part in respect of the part of the estate not expressly disposed of unless it appears by the will that the personal representative is intended to take such part beneficially.

9.—(1) References to any Statutes or Laws of Distribution in an instrument *inter vivos* made or in a will coming into operation after the 1st June, 1937, shall be construed as references to this Part; and references in such instrument or will to statutory next of kin shall be construed, unless the context otherwise requires, as referring to the persons who would take beneficially on an intestacy under the foregoing provisions of this Part. Construction  
of docu-  
ments.

(2) Trusts declared in an instrument *inter vivos* made, or in a will coming into operation, before the 1st June, 1937, by reference to the Statutes or Laws of Distribution, shall, unless the contrary thereby appears, be construed as referring to the enactments (other than the Intestates Estates Law, 1906) relating to the distribution of effects of intestates which were in force immediately before the 1st June, 1937.

10.—(1) Where an infant dies after the 1st June, 1937, without having been married, and independently of this subsection he would, at his death, have been equitably entitled under a settlement (including a will) to a vested Savings.

estate in fee simple or absolute interest in freehold land, such infant shall be deemed to have had an entailed interest, and the settlement shall be construed accordingly.

(2) This Part does not affect the devolution of an entailed interest as an equitable interest.

## PART II. *[Repealed by Act 36 of 1976.]*

### PART III. *Administration of Intestates' Estates in certain cases and Charges on Property*

Administrator-General to be Administrator of intestates' estates not exceeding one thousand dollars in value.

12. Notwithstanding anything contained in the Administrator-General's Act, or any enactment amending or substituted for the same, where the residuary estate of the intestate does not exceed one thousand dollars, or where it exceeds that sum and a minor is entitled to a share thereof, or where a testator does not appoint an executor or where the executor has died before the testator or renounces, it shall be the duty of the Administrator-General to apply for letters of administration to the estate and, unless the Court is satisfied that it would be for the benefit of the estate that letters of administration ought to be granted to some other person, letters of administration to such estate shall be granted to the Administrator-General.

Charges on property of deceased to be paid primarily out of the property charged.

13.—(1) Where a person dies possessed of, or entitled to, or, under a general power of appointment by his will disposes of, an interest in property, which at the time of his death is charged with the payment of money, whether by way of legal mortgage, equitable charge or otherwise (including a lien for unpaid purchase money), and the deceased has not by will, deed or other document signified a contrary or other intention, the interest so charged, shall,