

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 [*Repealed by Act 36 of 1976.*]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,

as between the different persons claiming through the deceased, be primarily liable for the payment of the charge; and every part of the said interest, according to its value, shall bear a proportionate part of the charge on the whole thereof.

(2) Such contrary or other intention shall not be deemed to be signified—

(a) by a general direction for the payment of debts or of all the debts of the testator out of his personal estate, or his residuary real and personal estate, or his residuary real estate; or

(b) by a charge of debts upon any such estate, unless such intention is further signified by words expressly or by necessary implication referring to all or some part of the charge.

(3) Nothing in this section affects the right of a person entitled to the charge to obtain payment or satisfaction thereof either out of the other assets of the deceased or otherwise.

14. Nothing in this Act shall affect any unrepealed **Savings.** enactment dispensing with probate or administration as respects personal estate not including chattels real.