

## SCHEDULES.

### FIRST SCHEDULE

Section 34.

#### PART I

##### RULES AS TO PAYMENT OF DEBTS WHERE THE ESTATE IS INSOLVENT

- 1 The funeral, testamentary, and administration expenses have priority.
- 2 Subject as aforesaid, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities provable and as to the valuation of annuities and future and contingent liabilities respectively, and as to the priorities of debts and liabilities as may be in force for the time being under the law of bankruptcy with respect to the assets of persons adjudged bankrupt.

#### PART II

##### ORDER OF APPLICATION OF ASSETS WHERE THE ESTATE IS SOLVENT

- 1 Property of the deceased undisposed of by will, subject to the retention thereof of a fund sufficient to meet any pecuniary legacies.
- 2 Property of the deceased not specifically devised or bequeathed but included (either by a specific or general description) in a residuary gift, subject to the retention out of such property of a fund sufficient to meet any pecuniary legacies, so far as not provided for as aforesaid.
- 3 Property of the deceased specifically appropriated or devised or bequeathed (either by a specific or general description) for the payment of debts.
- 4 Property of the deceased charged with, or devised or bequeathed (either by a specific or general description) subject to a charge for the payment of debts.
- 5 The fund, if any, retained to meet pecuniary legacies.
- 6 Property specifically devised or bequeathed, rateably according to value.
- 7 Property appointed by will under a general power, including the statutory power to dispose of entailed interests, rateably according to value.
- 8 The following provisions shall also apply—
  - (a) The order of application may be varied by the will of the deceased.
  - (b) This part of this Schedule does not affect the liability of land to answer the death duty imposed thereon in exoneration of other assets.

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*Status: This is the original version (as it was originally enacted).*

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## SECOND SCHEDULE

Section 56.

## ENACTMENTS REPEALED

## PART I

REPEALS NOT AFFECTING CASES WHERE THE DEATH  
OCCURRED BEFORE THE COMMENCEMENT OF THIS ACT

Session and Chapter.	Title or Short Title.	Extent of Repeal.
13 Edw. 1 ( <i>Stat. Westm. sec.</i> ) c. 19.	The ordinary chargeable to pay the debts of an intestate.	The whole chapter.
13 Edw. 1. ( <i>Stat. Westm. sec.</i> ) c. 23.	Writ of accompt for executors	The whole chapter.
13 Edw. 1 ( <i>Stat. Westm. sec.</i> ) c. 34.	Dower forfeited by elopement with adulterer.	From " and if a " wife willingly " leave her husband " to " in " which case she " shall be re-" stored to her " action."
25 Edw. 1. c. 7.	Widow; her marriage estate; quarantine; estovers; dower; re-marriage.	The whole chapter.
25 Edw. 1. c. 18.	The King's tenant, his debtor	From " and the residue" to "reasonable parts."
Statute ( <i>temp, incert.</i> ).	Statute concerning tenants by the Curtesy of England.	The whole statute.
Statute Prerogativa Regis ( <i>temp, incert.</i> ) c. 18.	Customs of Gloucester and Kent.	From "Nevertheless it is used " to the end of the chapter.
4 Edw. 3. c. 7.	Executors shall have an action of trespass for a wrong done to their testator.	The whole chapter.
25 Edw. 3. st. 5. c. 5.	Executor <sup>3</sup> of executors shall have the same rights and duties as the first executors.	The whole chapter.
31 Edw. 3. st. 1. c. 11.	The ordinary shall commit administration upon an intestacy. The administrators shall have the same rights and charges as executors.	The whole chapter.
21 Hen. 8. c. 4.	An Acte cononinge Executors of Laste Willes and Testamente	The whole Act.
21 Hen. 8. c. 5.	An Acte concninge Fynes & somes of Moneye to be taken by the Ministers of Busshops and other Ordinaries of Holye	The whole Act.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
	Churche for the pbate of Testamte.	
32 Hen. 8. c. 37	For recoving of Arrerage by Executes and Adnministrators.	Sections one, two and three.
1 Edw. 6. c. 12	An Acte for the repeale of certaine statutes concerninge treasons, felonyes, &c.	Section sixteen.
5 & 6 Edw. 6. c. 11.	An Acte for the punyshment of divse treasons.	Section eleven.
5 & 6 Edw. 6. c. 12.	An Acte for the declaracon of a statute made for the marriage of Priestf and for the legitti-macon of their children.	Section two.
43 Eliz. c. 8.	An Acte against fraudulent ad-ministracon of intestates goodes.	The whole Act.
12 Chas. 2. c. 1 24.	An Acte taking away the Court of Wards and Liveries and Tenures in Capite and by Knights Service and Purveyance and for settling a Revenue upon His Majesty in Lieu thereof.	Section seven from "tenures in franke almoigne " to " nor to take away."
22 & 23 Chas. 2. c. 10.	The Statute of Distribution	The whole Act.
29 Chas. 2. c. 3.	The Statute of Frauds	Sections ten, eleven, twenty, three, twenty-four, so far as unrepealed.
30 Chas. 2. c. 7.	An Act to enable creditors to recover their debts of the executors and administrators of executors in their own wrong.	The whole Act.
1 Jas. 2. c. 17.	An Act for reviveing and continuance of severall Acts of Parlyament therein mentioned.	The whole Act.
4 Will. & Mar. c. 24.	An Act for reviving, cotinuing and explaining several laws therein mentioned that are expired and neare expiring.	Section twelve.
38 Geo. 3. c. 87.	The Administration of Estates Act, 1798.	The whole Act.
11 Geo. 4 & 1 Will. 4.c. 40.	The Executors Act, 1830	The whole Act.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 Geo. 4. & 1 Will. 4. c. 47.	The Debts Recovery Act, 1830	The whole Act.
3 & 4 Will. 4. c. 27.	The Real Property Limitation Act, 1833.	Section forty-one.
3 & 4 Will. 4. c. 42.	The Civil Procedure Act, 1833	Sections two, thirty-seven and thirty-eight.
3 & 4 Will. 4. c. 74.	The Fines and Recoveries Act, 1833.	In section twenty-seven the words " no woman in " respect of her " dower and "
3 & 4 Will. 4. c. 104.	The Administration of Estates Act, 1833.	The whole Act.
3 & 4 Will. 4. c. 105.	The Dower Act, 1833	The whole Act.
2 & 3 Vict. c. 60.	The Debts Recovery Act, 1839	The whole Act.
11 & 12 Vict. c. 87.	The Debts Recovery Act, 1848	The whole Act
17 & 18 Vict. c. 113.	The Real Estate Charges Act, 1854.	The whole Act.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections seventy to eighty.
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858	Sections sixteen, eighteen, nineteen, twenty-one, and twenty-two.
22 & 23 Vict. c. 35.	The Law of Property Amendment Act, 1859.	Sections fourteen to eighteen.
30 & 31 Vict. c. 69.	The Real Estate Charges Act, 1867.	The whole Act.
32 & 33 Vict. c. 46.	The Administration of Estates Act, 1869.	The whole Act.
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	Section ten.
40 & 41 Vict. c. 34.	The Real Estate Charges Act, 1877.	The whole Act.
47 & 48 Vict. c. 71.	The Intestates Estates Act, 1884	The whole Act.
53 & 54 Vict. c. 29.	The Intestates Estates Act, 1890.	The whole Act.
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act, 1914	Section one hundred and thirty.

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## PART II

### REPEALS APPLYING WHERE THE DEATH OCCURRED BEFORE OR AFTER THE COMMENCEMENT OF THIS ACT

Session and Chapter.	Title or Short Title	Extent of Repeal.
10 & 11 Geo. 5. c. 81.	The Administration of Justice Act, 1920.	Section seventeen.
12 & 13 Geo. 5. c. 16.	The Law of Property Act, 1922	Subsection (7) of section one hundred and ten ; Part VIII. except section one hundred and fifty, two; and Part IX. except subsection (13) of section one hundred and fifty-six; and sub - paragraphs (2) and (3) of paragraph five of the Sixth Schedule.
15 Geo. 5. c. 5.	The Law of Property (Amendment) Act, 1924.	Section seven and the Seventh Schedule.