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for life



Warm greetings from Hutchinson Legal as we head into Autumn.

The leaves on the trees outside our offices in Ringwood and the City are changing colour to yellow-orange-brown. Nature's colour palette is stunning at this time of year, as it prepares for the plain colours of Winter.

We hope you enjoy reading this newsletter.

## The Will of William Shakespeare



William Shakespeare made his Will exactly one month before his mysterious death on the 23rd of April 1616. The cause of his death is not known, but the fact that a 52 year old Shakespeare made a Will so close to his death is cause to speculate he knew he did not have very long left to live.

Arguably the greatest writer in the English language, it is no surprise that Shakespeare's last Will and Testament is an interesting document and contains some quirky aspects. However, some suggest that the preamble to the Will, due to its conventionality, was drafted by Shakespeare's lawyer. It reads:

*"In the name of God, Amen. I, William Shakespeare, of Stratford-upon-Avon in the country of Warwick, Gent., in perfect health and memory, (God be praised,) do make and ordain this my last will and testament, in manner and form following; – that is to say:*

*First, I commend my soul into the hands of God my Creator, hoping, and assuredly believing, through the only merits of Jesus Christ my Saviour, to be made partaker of life everlasting; and my body to the earth, whereof it is made."*

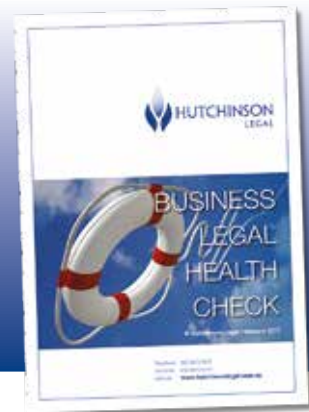
### Words to the Wise

**"What lies behind us and what lies before us are tiny matters compared to what lies within us."**

Ralph Waldo Emerson

## Business Legal Health Check

Running a business today is increasingly complex. To be eligible for a complimentary Business Legal Health Check with one of our team, go to <http://www.hutchinsonlegal.com.au/business-legal-health-check/> and complete a short survey. Alternatively, contact our office on (03) 9870 9870 or [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au) and a copy of the survey can be emailed to you.



Shakespeare was survived by his wife Anne Hathaway, his daughters Susanna Hall and Judith Quiney, their respective husbands John and Thomas, a sister Joan and three nephews.

Despite being automatically entitled to one third of Shakespeare's estate in accordance with British law at the time, Anne Hathaway

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### Did you know...

If you work in the city, our Melbourne office is ideally positioned to meet your legal needs. For a convenient lunch time appointment or consultation, give us a call.

If you would like to receive an electronic version of Legal Insight, please:

- send an email to [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au)
- call Tristan Tottenham of our office on **9870 9870**
- write to us at PO Box 450, Ringwood 3134

was largely ignored in her husband's Will. Her only inheritance was Shakespeare's 'second best bed'. Some commentators think of this as an insult from her late husband, whilst others say that it could be the couple's 'matrimonial bed' and of great significance.

The majority of Shakespeare's estate was left to his eldest daughter Susanna on condition that she pass it on to any male heirs. If she had no male heirs, then it would pass on to his younger daughter Judith, to pass on to her male children. It is thought that Shakespeare had a preference for his elder daughter, which was fuelled by Judith's new husband Thomas Quiney being found to have fathered an illegitimate child.

To give effect to the inheritance by male heirs in his Will, Shakespeare set up an entail in order to distribute his estate. An entail was the old British term for what we now know as a Trust. He used this structure to ensure that his property would be passed automatically by operation of law to the male heirs of the family. (However, it ended up that Susanna only had one child, a girl named Elizabeth, and Judith had three children, all of whom died without having any children of their own, thus ending the Shakespeare family line).

In his Will, Shakespeare also left £30 to his sister Joan and £5 to each of his nephews. He allowed Joan to stay in the house which he had inherited from their father.

Shakespeare also bequeathed a few very particular items in his Will including:

- A silver bowl for his daughter Judith
- The remainder of all other silver plates to his granddaughter Elizabeth
- His swords, and 26 shillings and 8 pence each to his close friends to buy mourning rings upon his death
- 10 pounds to the 'Poor of Stratford'

Today, this sort of Will would be contestable, especially by Shakespeare's wife and younger daughter Judith.

But like the majority of his life's work, Shakespeare's Will makes for very interesting reading!

If you would like to read the full Will please click on the following link: <http://www.hutchinsonlegal.com.au/shakespeares-will/>



## Security of Payment in the Building and Construction Industry

Are you a sub-contractor in the building industry? Disputes between sub-contractors and contractors over payment for building and construction contracts can be resolved via a security of payment scheme that was introduced into Victoria under the *Building and Construction Industry Security of Payment Act 2002* (the "SOP Act"). The SOP Act is overseen by the Victorian Building Authority.

The SOP Act regulates payment between contractors and sub-contractors and ensures that sub-contractors are paid fairly and promptly for work performed. Note that contracts between a builder and a homeowner are not covered under the SOP Act.

When performing work under contract, the SOP Act gives a sub-contractor the right to demand progress payments from a contractor. If a contractor fails to supply a payment schedule within 10 business days of being served with a payment claim, then the sub-contractor can apply for an adjudicated order for payment. All payment claims served by a sub-contractor on a contractor should contain a statement that it is subject to the *Building and Construction Industry Security of Payment Act 2002*.

Adjudications are made by Authorised Nominating Authorities ("ANAs"). An independent adjudicator will consider written submissions from parties as well as conduct

inspections or conferences, if necessary, in order to make a final decision about the payment claimed.

This adjudication process is aimed to provide a fair and more time and cost effective method of resolving payment disputes. However, a claimant can still elect to use the Courts to resolve payment disputes or to enforce the payment required by the adjudication decision.

If you are a sub-contractor having trouble obtaining payment, a list of ANAs can be found at <http://www.vba.vic.gov.au/practitioners/security-of-payment-sop/authorised-nominating-authorities>.

For further information on the SOP Act and the process for adjudication visit: [www.vba.vic.gov.au](http://www.vba.vic.gov.au) or contact our office on (03) 9870 9870.



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### FastFACTS

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The number of sonnets written by William Shakespeare

28,829

The number of unique word forms in all of Shakespeare's works

10,000

The number of workers involved in building and setting up Australia's Parliament House

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Clients should not act only on the basis of material contained in this newsletter because the contents are of a general nature only and may be liable to misinterpretation in particular circumstances. Changes to legislation can occur quickly. Do not act on any of the contents of this newsletter without first obtaining specific advice from a lawyer.