

**Reprint
as at 1 October 1948**



Sutton Adoption Act 1948

Private Act 1948 No 1
Date of assent 30 September 1948
Commencement 30 September 1948

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**An Act to validate in New Zealand the adoption of David
Lennox Sutton by Ernest Walter Sutton and Matilda Lennox
Sutton as from 15 March 1921**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

Preamble

Whereas David Williams, commonly known as David Lennox Sutton, of Heriot, Otago, sheep farmer (hereinafter referred to as **David Lennox Sutton**), was born in the County of San Luis Obispo, in the State of California, in the United States of America, on 23 November 1919:

And whereas on 15 March 1921, in the State of California, Matilda Lennox Sutton, wife of Ernest Walter Sutton, of Moa Flat, Otago, sheep farmer, with the formal consent in writing of her husband, was granted an order of adoption of the State of California entitling her to adopt and giving her full parental authority over the said David Lennox Sutton:

And whereas ever since then the said Ernest Walter Sutton and the said Matilda Lennox Sutton, acting in good faith and in pursuance of the said order of adoption, have treated the said David Lennox Sutton in all respects as their own lawful child, and he has resided with them in New Zealand:

And whereas the said Ernest Walter Sutton and the said Matilda Lennox Sutton were British subjects, and the said order of adoption has no validity in New Zealand:

And whereas no order of adoption has been made in New Zealand or by any British court in respect of the said David Lennox Sutton:

And whereas the said David Lennox Sutton attained the age of 21 years on 23 November 1940 and no order of adoption can now be made in New Zealand:

And whereas the said Matilda Lennox Sutton died on 23 June 1941 and by her last will and testament gave her estate, amounting to 644 pounds 5 shillings and 9 pence, to the said David Lennox Sutton, whom she described in that will as her adopted son:

And whereas the burden of succession duty in respect of the said estate has been greatly increased by reason of its being assessed as for a stranger in blood:

And whereas the said David Lennox Sutton now has expectations under the will of the said Ernest Walter Sutton:

And whereas if the said David Lennox Sutton becomes entitled under the last-mentioned will to the whole or any part of the estate of the said Ernest Walter Sutton the succession

duty in respect thereof will, unless there is legislation to the contrary, be assessed as for a stranger in blood:

And whereas during the war the said David Lennox Sutton served in His Majesty's Forces in New Zealand and overseas for 4 years and 8 months:

And whereas on 20 November 1947 the said David Lennox Sutton was granted a certificate of naturalisation under the British Nationality and Status of Aliens (in New Zealand) Act 1928:

And whereas it is desirable that the said David Lennox Sutton should be deemed in law to be and to have been the adopted son of the said Matilda Lennox Sutton and Ernest Walter Sutton as from the date of the said order of adoption of the State of California:

And whereas the objects of this Act are not attainable otherwise than by legislation.

1 Short Title

This Act may be cited as the Sutton Adoption Act 1948.

2 Interpretation

In this Act, unless the context otherwise requires,—

the adopting parents means Ernest Walter Sutton and Matilda Lennox Sutton

the testatrix means Matilda Lennox Sutton.

3 Adoption to have effect as if order made in New Zealand

The said David Lennox Sutton shall be deemed to be and to have been the adopted son of the adopting parents and shall have the same rights, benefits, and privileges, and the same status, and be subject to the same liabilities and consequences, in all respects as if an order of adoption under the Infants Act 1908 had been made in New Zealand in favour of the adopting parents on 15 March 1921.

4 Use of name

The said David Lennox Sutton shall be deemed to be and to have been entitled to use the name David Lennox Sutton as his own as from 15 March 1921.

5 Private Act

This Act is hereby declared to be a private Act.

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Notes

1 *General*

This is a reprint of the Sutton Adoption Act 1948. The reprint incorporates all the amendments to the Act as at 1 October 1948, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
