

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
7th November, 1877.*

Hon. Mr. Hart.

Domicile.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Wills made out of New Zealand to be admitted if made according to the law of the place where made, or of the place of domicile.</p>	<p>3. Change of domicile not to invalidate will. 4. Nothing in this Act to invalidate wills otherwise made. 5. Extent of Act.</p>
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A BILL INTITLED

AN ACT to set at rest Doubts on the Law relating to Wills and other Testamentary Instruments affecting Personal Estate executed by persons without the Colony of New Zealand.

WHEREAS doubts have arisen whether the provisions of the Imperial Act of the twenty-fourth and twenty-fifth years of the year of Her Majesty Queen Victoria, Chapter CXIV., have been and are applicable to the wills of British subjects dying in New Zealand: For remedy thereof—

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament Assembled, and by the authority of the same, as follows:—

- 1. The Short Title of this Act shall be "The Domicile Act, 1877."
- 2. Every will and other testamentary instrument made out of New Zealand by a British subject (whatever may be the domicile of such person at the time of making the same, or at the time of his or her death) shall, as regards personal estate, be held to be well executed for the purpose of being admitted in New Zealand to probate if the same be made according to the forms required either by the law of the place where the same was made, or by the law of the place where such person was domiciled when the same was made, or by the law then in force in that part of Her Majesty's dominions where he had his domicile of origin.
- 3. No will or other testamentary instrument shall, so far as shall relate to personal estate in New Zealand, be held to be revoked or to have become invalid, nor shall the construction thereof be altered, by reason of any subsequent change of domicile of the person making the same.
- 4. Nothing in this Act contained shall invalidate any will or other testamentary instrument which would have been valid if this Act had not been passed, except as such will or other testamentary instrument may be revoked or altered by any subsequent will or testamentary instrument made valid by this Act.
- 5. This Act shall extend only to wills and other testamentary instruments made by persons who have died and shall die after the sixth day of August, in the year one thousand eight hundred and sixty-one, and shall not apply to wills which before the passing of this Act have been the subjects of adverse decisions in the Supreme Court of New Zealand.

Title.

Preamble.

Short Title.

Wills made out of New Zealand to be admitted if made according to the law of the place where made, or of the place of domicile.

24 and 25 Vict., c. 114, s. 1.

Change of domicile not to invalidate will.

s. 3.

Nothing in this Act to invalidate will otherwise made.

s. 4.

Extent of Act.

No. 155—2.