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New Zealand.

ANNO TRICESIMO

V I C T O R I Æ R E G I N Æ .

No. —.

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A BILL INTITULED

AN ACT to amend "The Intestate Estates Act 1865." Title.

WHEREAS it is expedient to amend "The Intestate Estates Act 1865" Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by and with the authority of the same as follows—

I. The Short Title of this Act shall be "The Intestate Estates Act Amendment Act 1866." Short Title.

II. It shall be lawful for the Governor from time to time to appoint fit persons to be Curators of Intestate Estates within the Colony and to define and appoint the districts within which each curator shall act and such curators shall hold their offices during pleasure. Governor may appoint curators for districts in Colony.

III. It shall also be lawful for the Governor by proclamation published in the *New Zealand Gazette* from time to time to divide the Colony for the purposes of "The Intestate Estates Act 1865" and this Act into such and so many districts as he shall think fit and every such district shall be called by a distinct name and shall be a curator's district and in like manner from time to time and as he shall think fit to abolish any such district or alter or vary the boundaries of any district or increase the number of such districts Provided that the Provinces in this Colony for which curators have before the passing of this Act been appointed shall be deemed to be districts defined pursuant to this Act subject in every respect for the purposes of the Intestate Estates Act and this Act to be abolished or to be varied or altered as if defined under this Act and the term "province" wherever used in "The Intestate Estates Act 1865" shall mean "curator's district" and the curators appointed for such provinces shall be deemed to have been appointed under and pursuant to this Act. Governor may divide Colony into districts.

IV. The powers and duties of the curator appointed or to be appointed under the said Act or this Act for any curator's district shall from and after the establishment of any new curator's district Provinces for which curators have been appointed under "Intestate Estates Act 1865" to be districts under this Act.

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Duties of curators appointed for districts altered limited.

Intestate Estates Act Amendment.

comprising part of the district of which he shall have been so appointed curator be limited to the cases of persons not being of the Aboriginal Native Race who shall die or have died within such part of the curator's district for which such curator shall have been or shall be appointed as shall not be comprised within the limits of the new district to be so established and defined Provided that nothing in this Act shall affect any rule or letters of administration granted or to be granted before the establishment and definition of any such new district or the powers duties rights and liabilities in respect thereof of the curator to whom such rule or letters of administration shall have been granted.

Powers and duties
of such curator.

V. Every curator to be appointed pursuant to the provisions of this Act shall in all things in respect to the personal and real estates of persons not being of the Aboriginal Native Race who shall die within the district so to be established have and be subject to all the powers duties rights and liabilities as are in and by "The Intestate Estates Act 1865" and by this Act created and declared concerning curators appointed or to be appointed pursuant to the said Act or this Act.

If no administration
granted within three
months after death
curator may apply.

VI. If no administration of the estate and effects of any deceased person not being one of the Aboriginal Native Race shall have been granted to any person within three calendar months after such deceased person's death it shall be lawful for the Supreme Court of New Zealand or any Judge thereof upon the application of the curator of the curator's district within which such deceased person was resident at the time of his death and upon an affidavit of the death and an affidavit by the curator that he hath received no notice of any rule or order for such administration having been applied for by any other curator to grant to such curator a rule for the administration of the estate of such deceased person anything in the Intestate Estates Act to the contrary notwithstanding and it shall be sufficient for such curator to prove that no such administration has been granted within such period by any Judge of the Supreme Court to whom the Judicial District within which such person died shall have been assigned.

Where property
perishable Court or
Judge may order it
to be sold before
Letters of Adminis-
tration granted.

VII. If any person deceased shall have left behind him property of a perishable nature and whereof the value may be greatly diminished in the interval before Letters of Administration can be duly granted the Supreme Court or any Judge thereof may upon application to him for that purpose make an order authorizing the sale of such property by some person therein named or authorizing some person to take charge thereof and may direct the property to be delivered or the proceeds thereof if sold to be paid to the curator of the district within which such deceased person was resident at the time of his death on account of the estate of the deceased.

Where two rules
granted for the same
estate the latter to
be set aside.

VIII. If after the grant to any curator of any rule or order to administer an estate it shall be made to appear to the Court or the Judge thereof in whose Judicial District such rule was granted that before such rule was granted a like rule had been granted to another curator the Court or such Judge shall set aside the rule which shall appear to have been last granted without prejudice however to any act done or proceeding taken or commenced thereunder and every proceeding so commenced may be continued and completed notwithstanding.

Per centage deducted
under Intestate
Estates Fund how to
be applied.

IX. The sums of money which have been or shall hereafter be deducted by the Colonial Treasurer from the moneys paid to the credit of the Intestate Estates Fund under and by virtue of the sixteenth section of "The Intestate Estates Act 1865" shall not be passed to the credit of or form part of the general revenue of the Colony but shall be kept in a separate account and shall form a fund for payment of salaries of curators and of such other expenses incurred in carrying out the provisions of "The Intestate Estates Act 1865" and this Act as shall from time to time be directed to be charged upon such fund by the Governor.