

# Intestate Estates.

## ANALYSIS.

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| Title.   | 3. If estate found to be fifty pounds or more, fees to be paid.  |
| Preamble.  | 4. Indemnity in respect of past transactions. Small estates now under administration to be wound up without order. |
| 1. Short Title.  |  |
| 2. Orders in case of estates under fifty pounds to be without fee. |  |

## A BILL INTITULED

AN ACT to amend the Intestate Estates Act 1865. Title.

**W**HEREAS by "The Intestate Estates Act, 1865," it is among Preamble.  
other things enacted that Curators of Intestates Estate shall not be bound to obtain any rule or order to administer under the said Act in the case of any estate the assets of which to be administered shall be  
5 under the value of fifty pounds :

And whereas many Curators of Intestate Estates have interpreted the said enactment to mean, that Curators may administer estates the assets whereof to be administered are under the value of fifty pounds without any rule or order: And whereas doubts have arisen as to  
10 whether by so acting they have not incurred divers penalties and become subject to divers civil liabilities, as persons wrongfully intermeddling with the assets of deceased persons, and it is expedient to remove such doubts and to amend the said Act :

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

1. The Short Title of this Act shall be "The Intestate Estates Short Title.  
Amendment Act, 1870."

2. Whenever any Curator of Intestate Estates shall apply to  
20 the Supreme Court or any Judge thereof for a rule or order to administer any estate, and the Court or Judge shall be satisfied that the assets thereof to be administered are under the value of fifty pounds, the Curator shall pay no fee in respect of the application or order, or in respect of any proceeding preliminary or subsequent  
25 thereto, and where any Curator shall on filing any affidavit or other document; or on giving notice of motion, or taking any other

Orders in case of estates under fifty pounds to be without fee.

proceeding preliminary to any such application, state verbally or in writing that the assets to be administered are under the value of fifty pounds, no fee shall be demanded by any officer of the Supreme Court, unless the Court or a Judge shall upon the application direct fees to be demanded.

If estate found to be fifty pounds or more, fees to be paid.

**3.** If at any time after any rule or order to administer has been made without any fee under the preceding section the assets to be administered shall be found to be of the value of fifty pounds or upwards, the Curator having the administration of the estate shall, within one month after he has notice thereof, file in the Supreme Court, at the office where the proceedings on the application were filed, a memorandum under his hand stating that fact, and shall pay upon the filing of such memorandum a fee equal to the whole amount of fees which would have been paid upon the original application and upon all proceedings preliminary or subsequent thereto. And every Curator who shall fail to file any such memorandum when required by this Act, shall be liable on conviction to pay a penalty of ten pounds.

Indemnity in respect of past transactions.

**4.** No action suit or proceeding in any Court, or before any Justices of the Peace, shall be commenced or carried on against any Curator, or against the heirs executors or administrators of any Curator, or against his or their estate or effects, for the recovery of any penalty, or for the recovery of money, or for the possession of any land or goods, by reason only of such Curator having before the passing of this Act intermeddled with the assets of any deceased person, by administering to the same without any rule or order to administer in the case of any estate the assets whereof to be administered were under the value of fifty pounds; but every such Curator, and the successor in office of every such Curator, shall be deemed to have been and to be henceforth duly authorized to administer to every such estate, the administration whereof shall have been already commenced, without any rule or order to administer.

Small estates now under administration to be wound up without order.

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**Amendments of the Legislative Council in the Bill intituled  
“An Act to amend the Intestate Estates Act, 1865.”**

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In the Title, before “Intestate” insert “Law relating to Curators of.”

In clause 1, before “Intestate” insert “Curators of,” and erase the word “amendment.”

Erase clause 2, and insert in lieu thereof—

Whenever any Curator of Intestate Estates shall apply to the Supreme Court or any Judge thereof for a rule or order to administer any estate, and the Court or Judge shall be satisfied that the assets thereof to be administered are under the value of fifty pounds, the Curator shall pay no fee in respect of the application or order, or in respect of any proceeding preliminary or subsequent thereto; and where any Curator shall on filing any affidavit or other document, or on giving notice of motion or taking any other proceeding preliminary to any such application, state verbally or in writing that the assets to be administered are under the value of fifty pounds, no fee shall be demanded by any officer of the Supreme Court, unless the Court or a Judge shall upon the application direct fees to be demanded.

In clause 3, line 6, erase the words “proceed in the ordinary manner to obtain a rule or order for the administration of the estate,” and insert the following in lieu thereof:—“shall pay upon the filing of such memorandum a fee equal to the whole amount of fee which would have been paid upon the original application and upon all proceedings preliminary or subsequent thereto.”