

Hon. Sir R. Stout.

LIMITATION OF THE POWER OF DISPOSITION BY WILL.

ANALYSIS.

1. Short Title.	7. One-fourth of separate property to widower.
2. Will of male person invalid in certain cases.	8. One-fourth of separate property to child or children.
3. One-fourth to widow.	9. One-half of separate property to children when no husband surviving.
4. One-fourth to child or children.	10. When no children left, will invalid if more than half of property devised to person other than widow or widower.
5. One-half to children where no widow surviving.	
6. Will of female person invalid in certain cases.	

A BILL INTITULED

AN ACT to limit the Power of Disposition by Will.

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

- 5 1. The Short Title of this Act is "The Limitation of the Power of Disposition by Will Act, 1897."
- 10 2. No will of any male person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a widow and any child or children him surviving, or leaving any child or children but no widow him surviving, shall be valid if and so far as it disposes of more than one-half of his property in favour of any person other than his widow or any such child or children, or in favour of any corporation sole or aggregate, or other body or institution whatsoever.
- 15 3. One-fourth of all property belonging to any male person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a widow and any child or children him surviving, shall belong to his widow and be distributable accordingly.
- 20 4. One-fourth of all property belonging to any male person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a widow and any child or children him surviving, shall belong to such child if only one, and, if more than one, to all such children in equal shares, and be distributable accordingly.
- 25 5. One-half of all property belonging to any male person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a child or children but no widow him surviving, shall belong to such child if only one, and, if more than one, then to all such children in equal shares, and be distributable accordingly.

Title.

Short Title.

Will of male person invalid in certain cases.

One-fourth to widow.

One fourth to child or children.

One-half to children where no widow surviving.

Will of female person invalid in certain cases.

6. No will of any female person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a husband and any child or children her surviving, or leaving any child or children but no husband her surviving, shall be valid if and so far as it disposes of more than one-half of her separate property in favour of any person other than her husband or any such child or children, or in favour of any corporation sole or aggregate, or other body or institution whatsoever. 5

One-fourth of separate property to widower.

7. One-fourth of all separate property belonging to any female person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a husband and any child or children her surviving, shall belong to her husband and be distributable accordingly. 10

One-fourth of separate property to child or children.

8. One-fourth of all separate property belonging to any female person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a husband and any child or children her surviving, shall belong to such child if only one, and, if more than one, then to all such children in equal shares, and be distributable accordingly. 15

One-half of separate property to children when no husband surviving.

9. One-half of all separate property belonging to any female person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a child or children but no husband her surviving, shall belong to such child if only one, and, if more than one, then to all such children in equal shares, and be distributable accordingly. 20

When no children left, will invalid if more than half of property devised to person other than widow or widower.

10. No will of any male person who dies after the first day of January, one thousand eight hundred and ninety-eight, leaving a widow only, or of any female person who dies after that date, leaving a husband only, him or her surviving, as the case may be, shall be valid if and so far as it disposes of more than one-half of the property of the person so dying in favour of any person other than the widow or husband, as the case may be, of the person so dying, or in favour of any corporation sole or aggregate, or other body or institution whatsoever; but one-half of such property shall in any event belong to the widow or husband, as the case may be, of every such person so dying as aforesaid, and be distributable accordingly. 25 30 35