

Hon. Mr. Pitt.

TESTATORS' FAMILY MAINTENANCE.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Testator's estate liable for maintenance of wife, husband, or children. Limit of time</p>	<p>for making applications. Orders not to be mortgaged or assigned.</p> <p>4. Duty on estate, how computed. Refund of duty paid in excess.</p> <p>5. Repeals.</p>
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A BILL INTITULED

AN ACT to consolidate and amend certain Acts insuring Provision Title.
for Testators' Families.

5 BE IT 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 is "The Testators' Family Main- Short Title.
tenance Act, 1906."

10 2. In this Act "Court" means the Supreme Court or any Judge Interpretation.
thereof, and in the case of deceased Maoris means the Native Land 1900, No. 2, sec. 2.
Court.

15 3. (1.) If any person dies leaving a will, and without making Testator's estate
therein adequate provision for the proper maintenance and support of liable for
his or her wife, husband, or children, the Court may at its discretion, maintenance of
15 on application by or on behalf of the said wife, husband, or children, wife, husband, or
order that such provision as the Court thinks fit shall be made out of children.
the estate of the testator for such wife, husband, or children. Ibid. sec. 2.

20 (2.) The Court may attach such conditions to the order as it thinks
fit, or may refuse to make an order in favour of any person whose
character or conduct is such as in the opinion of the Court to dis-
entitle him or her to the benefit of an order under this Act.

25 (3.) In making an order the Court may, if it thinks fit, order
that the provision may consist of a lump sum or a periodical or other
payment, to be made out of the estate generally or any specified
part of the estate, and for that purpose may direct an abatement or
alteration of the shares of all or any of the beneficiaries under the
will, in such manner and to such extent as the Court thinks fit.

30 (4.) Upon any order being made as aforesaid, the portion of the Ibid. sec. 3.
estate comprised therein shall be held subject to the provisions of
the order.

(5.) No application shall be heard by the Court unless application Limit of time for
as aforesaid is made within twelve months from the date of the grant making applica-
of probate of the will. tions.
Ibid. sec. 4.

Orders not to be mortgaged or assigned.

1900, No. 20, sec. 5.

Duty on estate, how computed.

1903, No. 21, sec. 2.

Refund of duty paid in excess.

Repeals.

(6.) No mortgage, charge, or assignment of any kind whatsoever of or over such provision made before such order is made shall be of any force, validity, or effect.

4. (1.) Where an order is made by the Court under this Act, all duties payable on the transmission of the estate under the will of the testator shall be computed as if the provisions of the order had been part of the will. 5

(2.) Any duty paid in excess of the amount required to be paid under this section shall on application, and without further appropriation than this Act, be returned by the Minister of Stamp Duties to the person entitled to receive the same. 10

5. (1.) "The Testators' Family Maintenance Act, 1900," and "The Testators' Family Maintenance Amendment Act, 1903," are hereby repealed.

(2.) Any application made under any repealed Act which has not on the coming into operation of this Act been decided by the Court may be heard and determined under this Act. 15