

Hon. Sir P. A. Buckley.

TESTAMENTARY TRUSTS RESTRICTION.

ANALYSIS.

Title.	
1. Short Title.	
2. Adult beneficiary in a will may petition Supreme Court for relief against restrictions in the will.	Investment of shares of minors in Public Trust Office.
3. Court may order realisation of estate, and distribution of shares to adults, and invest-	4. Protection of life interest under will.
	5. Rate of interest to be paid by Public Trustee.
	6. Act applies only to estates exceeding £1,000.
	7. Act reserved.

A BILL INTITULED

AN ACT in further Restraint of all Trusts and Directions in Wills whereby the Beneficial Enjoyment of the Profits or Produce of Real or Personal Estate shall be postponed beyond the Time of the Coming of Age of the respective Beneficiaries under the Will.

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 Testamentary Trusts Restriction Act, 1892."

2. Where any person has died before the commencement of this Act or shall die after the commencement thereof, leaving a will containing directions whereby no distribution of the real or personal property of the testator can be made during the minority or respective minorities of any person or persons, or whereby the beneficial enjoyment of such real or personal property is postponed until some future time beyond the date of the coming of full age of any of the beneficiaries under the will, then and in such case any person who, under the trusts of the will, would for the time being, if of full age, be entitled to any portion of the property of the testator but for the aforesaid directions, may apply for relief under this Act by petition to the Supreme Court which granted probate or administration of the will.

3. Upon inquiry into any such case as aforesaid, the Court aforesaid, if it shall think fit, may order the real and personal property of the testator to be sold and converted into money; may order the whole proceeds, if there is no life or other limited interest to be provided for out of the estate, or, if there be such, after making provision for the same in manner mentioned in the *next-succeeding*

section, may order the balance of the aforesaid proceeds, to be apportioned into so many shares of such value and in the same manner as the real and personal property was apportioned amongst the persons entitled thereto respectively under the will, and the shares of such of the said persons as may be of age to be paid to them respectively, and the shares of all such persons as are not of full age to be paid into the Public Trust Office, there to accumulate at interest until the said last-mentioned persons respectively come of age, when the Public Trustee is hereby authorised to pay out to them respectively their several shares with the accumulated interest thereon.

The executor or administrator under the will is hereby authorised to make and execute any transfer, conveyance, or other instrument to give effect to any sale ordered by the Court as aforesaid.

The Court shall also make such order for disposal of the residue of the estate in accordance with the terms of the will as it shall think fit.

4. In case there shall be any person who under the trusts of the will is entitled to a life or other limited interest in the property of the testator, the Court shall, in the first instance, and before any distribution of the estate of the testator is made, order to be deposited at interest in the Public Trust Office a capital sum the interest whereof, calculated at five pounds per centum per annum, shall be sufficient to pay the yearly value of such life or other limited estate.

The Public Trustee shall pay the interest accruing year by year to the person entitled thereto under the will, and, on the merger of the life interest, shall apportion the capital sum in the same manner and amounts respectively as the proceeds of the testator's property was apportioned, and shall pay their portions to such of the respective persons entitled thereto as shall be of age, and shall add the remainder to such portion of the aforesaid proceeds as he already holds for persons not yet of age, to accumulate at interest therewith, and to be distributed in like manner when the last-mentioned persons severally come of age.

5. All moneys deposited in the Public Trust Office under this Act—

- (1.) Shall bear interest at a fixed rate of five pounds per centum per annum; and such rate of interest shall not be altered, anything contained in section eleven of "The Public Trust Office Acts Amendment Act, 1891," notwithstanding; and
- (2.) Shall be held by the Public Trustee subject to all the trusts of the will other than herein specially provided as to the period of distribution of the property.

6. This Act shall not apply in respect of any will disposing of real and personal property the value whereof together does not exceed one thousand pounds.

7. This Act shall be reserved for Her Majesty's assent.