

Hon. Mr. Samuel.

TATUM TRUST REVOCATION.

[PRIVATE ESTATE BILL.]

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Revocation of trusts.
3. Vesting of properties.
4. Registration of this Act.

A BILL INTITULED

AN ACT to revoke the Trusts of a Deed of Marriage - settlement made upon the Marriage of one Charles Thomas Tatum with Alice Elizabeth Nevin and to vest in Alice Elizabeth Tatum (formerly Nevin) the Properties subject to the Trusts of the said Deed.

Title.

WHEREAS by deed of marriage-settlement made the eighth day of March, eighteen hundred and eighty-one, between Charles Thomas Tatum of the first part, Alice Elizabeth Nevin of the second part, and Francis Henry Dillon Bell and Frederick Augustus Krull (hereinafter referred to as the said trustees) of the third part, the said Alice Elizabeth Nevin did convey, assure, assign, transfer, and set over unto the said trustees all and singular the furniture, chattels, goods, effects, lands, and hereditaments therein described or referred to to have and to hold the same upon trust for the said Alice Elizabeth Nevin until the solemnization of the marriage then intended to be solemnized between the said Charles Thomas Tatum and the said Alice Elizabeth Nevin; and thereafter upon trust, after payment of certain outgoings, to pay the rents, issues, and profits to the said Alice Elizabeth Nevin during her life, and from and after her death upon trust in certain events to pay the interests, dividends, and income arising from the trust property to the said Charles Thomas Tatum if he should survive his said wife: And whereas by the said deed of marriage-settlement it was declared that after the death of the said Alice Elizabeth Nevin and the failure or determination of the said trust in favour of the said Charles Thomas Tatum the said trustees should stand possessed of all and singular the conveyed and assigned premises, and the interests, dividends, and income thereof, in trust for all or such one or more of the issue of the said Alice Elizabeth Nevin by the said intended marriage or by any future marriage as by the said deed provided in such manner as the said

Preamble.

Alice Elizabeth Nevin should by any deed or deeds, with power of revocation, or by her last will and testament or any codicil thereto, appoint; and, in default of such appointment, and in so far as no such appointment should extend, in trust for all the children or any the child of the said Alice Elizabeth Nevin by the said intended marriage and by any other future marriage: And whereas by the said deed it was agreed and declared that if there should be no child who being a son should attain the age of twenty-one years, or being a daughter should attain that age or marry under that age, the trustees should stand possessed of the conveyed and assigned premises, and the interests, dividends, and income thereof, upon trust for such person or persons as the said Alice Elizabeth Nevin should by deed duly executed, with power of revocation and new appointment, or by her last will and testament, appoint; and, in default of such appointment, and in so far as no such appointment should extend, upon trust to divide the same or the unappointed portion thereof amongst the persons who would be entitled thereto under the law for the time being in force in New Zealand relating to the administration of the estates of intestate persons if the said Alice Elizabeth Nevin had died unmarried and intestate and without having executed the said deed of marriage-settlement, and in such shares and proportions as by such law might be provided: And whereas the said marriage was duly solemnized on the ninth day of March, eighteen hundred and eighty-one, and the said Charles Thomas Tatum and Alice Elizabeth Tatum (former Nevin) have ever since then lived and cohabitated together: And whereas there has been no issue of the said marriage and the said Alice Elizabeth Tatum has no near relative living: And whereas it is desired by the said Charles Thomas Tatum and Alice Elizabeth Tatum that the properties subject to the trusts of the said deed of marriage-settlement should be vested in the said Alice Elizabeth Tatum absolutely, freed and discharged from the trusts of the said deed of marriage-settlement: And whereas such object is not attainable otherwise than by legislation:

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

Short Title.

1. This Act may be cited as the Tatum Trust Revocation Act, 1912.

Revocation of trusts.

2. All and singular the trusts of the said deed of marriage-settlement of the eighth day of March, eighteen hundred and eighty-one, shall be and are hereby revoked.

Vesting of properties.

3. All the properties, real and personal, comprised in or affected by the said deed of marriage-settlement, or in any wise subject to the trusts thereof, shall by force of this Act, without the necessity of any conveyance, transfer, or assignment, vest in the said Alice Elizabeth Tatum absolutely, freed and discharged from the trusts of the said deed of marriage-settlement.

Registration of this Act.

4. A copy of this Act may be registered in any Deeds Register Office or District Land Registrar's Office in any district where any land subject to the trusts of the said deed of marriage-settlement is situate, together with a joint declaration or declarations by the said Alice Elizabeth Tatum or Charles Thomas Tatum and one of the said trustees that the land or lands mentioned in such

declaration or declarations was or were immediately prior to the passing of this Act subject to the trusts of the said deed of marriage-settlement; and such registration shall be deemed to be conclusive evidence that the said land or lands was or were so
5 subject to the said trusts, and shall operate and have effect as an absolute conveyance or memorandum of transfer, as the case might be, by or from the trustees of the said deed of marriage-settlement to the said Alice Elizabeth Tatum of such land or lands; and the
10 District Land Registrar or Registrar of Deeds, as the case may be, shall make the necessary entries in the registers accordingly.