

New Zealand.



ANALYSIS.

Title.
Preamble.

1. Short Title.
2. Declaration of children's interests.

1913, No. 1.—*Private.*

AN ACT to vary and declare the Interests taken by the Children
of one Duncan McDougall under the Last Will of the said
Duncan McDougall. Title.
[3rd October, 1913.]

WHEREAS Duncan McDougall, late of Pirinoa, in the Wairarapa
district, sheep-farmer, by his will, bearing date the sixth day of
October, eighteen hundred and eighty-two, appointed one Matthew
Robert Miller trustee and executor thereof, and gave, devised, and
bequeathed his real and personal estate to his trustee upon the trusts
therein declared; and the said testator, Duncan McDougall, directed
his trustee to stand possessed of the net annual income arising from
his real and personal estate upon trust to pay the same to his wife,
Ellen McDougall, during such time as she should remain his widow
and unmarried; and from and after the death or second marriage
of his said wife, whichever event should first happen, the testator
directed that his trustee should stand possessed of the trust funds as
therein defined upon trust for all his children, or any his child, who
should be then living, and who being sons or a son should attain the
age of twenty-one years, or being daughters or a daughter should
attain that age or marry under that age, and, if more than one, in
equal shares and proportions: And whereas the said Duncan
McDougall died on or about the twenty-fifth day of April, eighteen
hundred and ninety-one, without having altered or revoked his said
will, which was duly proved by the said Matthew Robert Miller in
the Supreme Court of New Zealand, at Wellington, on the fifteenth
day of May, eighteen hundred and ninety-one: And whereas the
said Duncan McDougall left him surviving his wife, the said Ellen
McDougall, and eight children—namely, James Duncan McDougall,
John Archibald McDougall, Samuel Dugald McDougall, Euphemia
McDougall, Ellen McDougall, William Rutherford McDougall,
Septimus McDougall, and Ramsay McDougall—all of whom attained Preamble.

the age of twenty-one years some time since: And whereas the said Septimus McDougall died in or about the month of August, nineteen hundred, intestate, without ever having married: And whereas under the said will each of them, the said James Duncan McDougall, John Archibald McDougall, Samuel Dugald McDougall, Euphemia McDougall, Ellen McDougall, William Rutherford McDougall, and Ramsay McDougall, takes only a contingent interest in the said real and personal estate of their late father and in the trust funds thereof, subject to and contingent upon his or her surviving the widow of the said testator: And whereas it is the desire of all parties that each of the said children now living of the said Duncan McDougall shall have vested in him or her absolutely, subject only to the interest of the testator's widow as defined in the said will, an equal share in the said real and personal estate and trust funds, instead of having only such contingent interest as aforesaid: 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 McDougall Trust Estate Act, 1913.

Declaration of children's interests.

2. The said James Duncan McDougall, John Archibald McDougall, Samuel Dugald McDougall, Euphemia McDougall, Ellen McDougall, William Rutherford McDougall, and Ramsay McDougall, children of the said Duncan McDougall, shall be deemed to have taken under the will of the said Duncan McDougall on their respectively attaining the age of twenty-one years, and to have now for all purposes, vested interests in the real and personal estate of the said Duncan McDougall and in the trust funds thereof, as in the said will defined, as tenants in common in equal shares not liable to be divested by the death of any or either of them in the lifetime of their mother, the said Ellen McDougall, subject, nevertheless, to the life interest of the said Ellen McDougall, widow of the testator, as defined in the said will, and the said will shall be read and construed and be deemed to take effect accordingly.
