



ANALYSIS

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| <p>Title.
Preamble.
1. Short Title.
2. Interpretation.</p> | <p>3. Adoption to have effect as if order made in New Zealand.
4. Use of name.
5. Private Act.</p> |
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1948, No. 1—*Private*

AN ACT to validate in New Zealand the Adoption of Title.
David Lennox Sutton by Ernest Walter Sutton and
Matilda Lennox Sutton as from the Fifteenth Day
of March, Nineteen hundred and twenty-one.

[30th September, 1948

WHEREAS David Williams, commonly known as David Preamble.
Lennox Sutton, of Heriot, Otago, Sheep-farmer (here-
inafter referred to as David Lennox Sutton), was born
in the County of San Luis Obispo, in the State of
California, in the United States of America, on the
twenty-third day of November, nineteen hundred and
nineteen: And whereas on the fifteenth day of March,
nineteen hundred and twenty-one, in the State of
California, Matilda Lennox Sutton, wife of Ernest
Walter Sutton, of Moa Flat, Otago, Sheep-farmer, with
the formal consent in writing of her husband, was
granted an order of adoption of the State of California
entitling her to adopt and giving her full parental
authority over the said David Lennox Sutton: And
whereas ever since then the said Ernest Walter Sutton
and the said Matilda Lennox Sutton, acting in good
faith and in pursuance of the said order of adoption,

have treated the said David Lennox Sutton in all respects as their own lawful child, and he has resided with them in New Zealand: And whereas the said Ernest Walter Sutton and the said Matilda Lennox Sutton were British subjects, and the said order of adoption has no validity in New Zealand: And whereas no order of adoption has been made in New Zealand or by any British Court in respect of the said David Lennox Sutton: And whereas the said David Lennox Sutton attained the age of twenty-one years on the twenty-third day of November, nineteen hundred and forty, and no order of adoption can now be made in New Zealand: And whereas the said Matilda Lennox Sutton died on the twenty-third day of June, nineteen hundred and forty-one, and by her last will and testament gave her estate, amounting to six hundred and forty-four pounds five shillings and ninepence, to the said David Lennox Sutton, whom she described in that will as her adopted son: And whereas the burden of succession duty in respect of the said estate has been greatly increased by reason of its being assessed as for a stranger-in-blood: And whereas the said David Lennox Sutton now has expectations under the will of the said Ernest Walter Sutton: And whereas if the said David Lennox Sutton becomes entitled under the last-mentioned will to the whole or any part of the estate of the said Ernest Walter Sutton the succession duty in respect thereof will, unless there is legislation to the contrary, be assessed as for a stranger-in-blood: And whereas during the war the said David Lennox Sutton served in His Majesty's Forces in New Zealand and overseas for four years and eight months: And whereas on the twentieth day of November, nineteen hundred and forty-seven, the said David Lennox Sutton was granted a certificate of naturalization under the British Nationality and Status of Aliens (in New Zealand) Act, 1928: And whereas it is desirable that the said David Lennox Sutton should be deemed in law to be and to have been the adopted son of the said Matilda Lennox Sutton and Ernest Walter Sutton as from the date of the said order of adoption of the State of California: And whereas the objects of this Act are 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:—

1. This Act may be cited as the Sutton Adoption Act, 1948. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.

“ The adopting parents ” means Ernest Walter Sutton and Matilda Lennock Sutton:

“ The testatrix ” means Matilda Lennock Sutton.

3. The said David Lennock Sutton shall be deemed to be and to have been the adopted son of the adopting parents and shall have the same rights, benefits, and privileges, and the same status, and be subject to the same liabilities and consequences, in all respects as if an order of adoption under the Infants Act, 1908, had been made in New Zealand in favour of the adopting parents on the fifteenth day of March, nineteen hundred and twenty-one. Adoption to have effect as if order made in New Zealand.

4. The said David Lennock Sutton shall be deemed to be and to have been entitled to use the name David Lennock Sutton as his own as from the fifteenth day of March, nineteen hundred and twenty-one. Use of name.

5. This Act is hereby declared to be a private Act. Private Act.