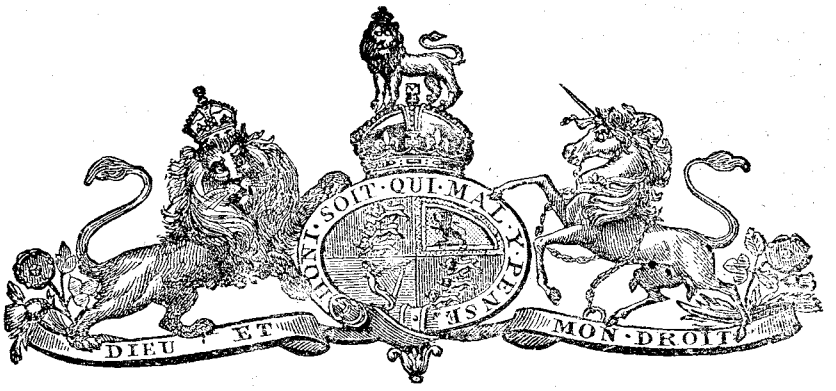
TASMANIA.



1924.

ANNO QUINTO DECIMO

GEORGII V. REGIS.

No. 64.

ANALYSIS.

A.D. 1924.

AN ACT to empower the Supreme Court of Tasmania, or a Judge thereof, to order provision to be made out of the Estate of *Walter Lade*, deceased, for the maintenance and support of *Winifred Sarah Lade*, an infant daughter of the said deceased.

[13 *January*, 1925.]

PREAMBLE.

WHEREAS *Walter Lade*, late of Penguin, in Tasmania (hereinafter called "the said testator"), made his last will and testament bearing date the twenty-eighth day of August, one thousand nine hundred and twelve, whereof he appointed *Norman William Lade* and *Frederick George Lade* (in the said will called *George Bellinger Lade*) to be executors thereof:

A.D. 1924.

And whereas the said testator died on the fourth day of September, one thousand nine hundred and fourteen, without having altered or revoked his said will, which was duly proved in the Supreme Court of Tasmania by the executors therein named on the nineteenth day of October, one thousand nine hundred and fourteen, the estate of the said testator being valued for the purposes of probate at the sum of Ten thousand five hundred Pounds, or thereabouts:

And whereas the said testator left him surviving his wife *Eleanor Louisa Lade*, and three daughters, all under the age of twenty-one years, namely, *Joan Clark Lade*, *Margaret Jessie Lade*, and *Winifred Sarah Lade*:

And whereas the said testator made adequate provision in his said will for the maintenance and support of his said wife until her decease or sooner remarriage, and for his two daughters, the said *Joan Clark Lade* and *Margaret Jessie Lade*, but he made no provision in his said will for the maintenance and support of his daughter the said *Winifred Sarah Lade*, she having been born after the date of the said will and five months or thereabouts prior to the decease of the testator, during which period of five months the said testator was suffering from a serious illness which incapacitated him from altering his said will:

And whereas the said *Eleanor Louisa Lade*, the widow of the said testator, on the twenty-ninth day of May, one thousand nine hundred and eighteen, intermarried with and became the wife of *Melmer Frank Nichols*, whereby she ceased to be entitled to any further benefit under the will of the said testator:

3 Geo. V. No. 7.

And whereas an application under "The Testator's Family Maintenance Act, 1912" (hereinafter called "the said Act"), was, on or about the fifth day of December, one thousand nine hundred and twenty-one, made by the executors beforenamed to a judge of the Supreme Court of Tasmania for provision to be made for the maintenance and support of the said *Winifred Sarah Lade* out of the estate of the said testator, but the said judge refused such application on the ground that the summons in respect thereof had not been taken out within the time prescribed by the said Act, that is to say, within three months after the date of the grant of probate of the said will:

And whereas the failure of the said executors to take out the said summons within the aforesaid prescribed time was in consequence of their being incorrectly advised that there was no means by which the said *Winifred Sarah Lade* could be enabled to participate in the estate of the said testator:

And whereas it is expedient that the Supreme Court of Tasmania, or a judge thereof, should be empowered to hear an application under the said Act, by or on behalf of the said *Winifred Sarah Lade*, and in respect of the estate of the said testator, notwithstanding that such beforementioned period of three months has expired, and, if such court or judge should think fit, to make an order on such application for the benefit of the said *Winifred Sarah Lade*:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :— A.D. 1924.

1 This Act may be cited as "The Lade's Estate Enabling Act, 1924." Short title.

2 (1) Notwithstanding anything to the contrary contained in Section Eleven of "The Testator's Family Maintenance Act, 1912," it shall be lawful for the Supreme Court of Tasmania, or a judge thereof, to hear and consider an application under the said Act by or on behalf of the beforementioned *Winifred Sarah Lade*, and in respect of the estate of the said *Walter Lade* deceased, and, if such court or judge shall think fit, to order such provision as to the court or judge seems proper, having regard to all the circumstances of the case, to be made out of the estate of the said deceased, in or towards the maintenance and support of the said *Winifred Sarah Lade*, and to make such other order in the matter under the said Act as the said court or judge shall think fit: Provided, however, that the summons required to be taken out under the said Act in respect of such application shall be so taken out within three months after the commencement of this Act.

Supreme Court, or a judge thereof, may hear and determine application on behalf of *Winifred Sarah Lade* under "The Testator's Family Maintenance Act, 1912." 3 Geo. V. No. 7.

(2) All the provisions of the said Act (except Section Eleven thereof) shall apply to the said application, and to any order made thereon, in the same manner as if the said summons had been taken out within the time prescribed by the lastmentioned section.

JOHN VAIL,
GOVERNMENT PRINTER, TASMANIA.