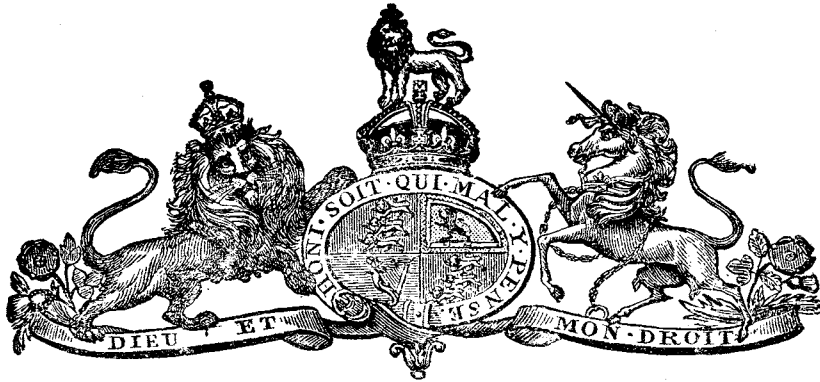


T A S M A N I A



1905.

ANNO QUINTO

EDWARDI VII. REGIS.

No. 3.



AN ACT to amend the Law by making provision for the Legitimation of Children born before Marriage, by the Subsequent Marriage of their Parents. [14 September, 1905.]

A.D. 1905.

BE it 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 :—

1 The Short Title of this Act is "The Legitimation Act, 1905." Short title.

2 Any child born before the marriage of his or her parents (and whether before or after the passing of this Act), whose parents have intermarried or shall hereafter intermarry, shall be deemed to have been legitimated by the mere fact of such marriage from birth and shall, except as hereinafter provided, be entitled to all the rights of a child born in wedlock, including the right to such real and personal property as might have been claimed by such child if born in wedlock, and also to any real and personal property on the succession of any other person which might have been claimed through the parent by a child born in wedlock.

Legitimation of illegitimate children by marriage of parents. Cf. 3 Ed. VII. No. 1835, s. 2 (Vic.); 58 Vict. No. 28, s. 2 (N.Z.); 63 Vict. No. 11, s. 3 (Q.); 2 Ed. VII. No. 23, s. 3 (N.S.W.); 61 & 62 Vict. No. 703, s. 2 (S.A.).

4d.]

Legitimation.

A.D. 1905.

Issue of legitimated child dying before marriage of parents.

Cf. *ibid.* (Q.), s. 4; *ibid.* (N.S.W.), s. 4; *ibid.* (S.A.), s. 3; 58 Vict. No. 28, s. 3 (N.Z.).

Estate, right, or interest in property not affected.

Cf. 3 Ed. VII. No. 1835 (Vict.), s. 3; *ibid.* (Q.), s. 5; *ibid.* (N.S.W.), s. 5;

ibid. (S.A.), s. 4; *ibid.* (N.Z.), s. 4.

Registrars to register such child.

Cf. *ibid.* (Vict.), s. 4; *ibid.* (N.Z.), s. 5; *ibid.* (Q.), s. 7; *ibid.* (N.S.W.), s. 7; *ibid.* (S.A.), s. 5.

3 The issue of any such legitimated child who has died or may hereafter die before the marriage of his or her parents shall take by operation of law the same real and personal property which would have accrued to such issue if such legitimated child had been born in wedlock.

4 Nothing in this Act shall affect any estate, right, or interest in any real or personal property to which any person has become or may become entitled, either mediately or immediately, in possession, expectancy or contingency, by virtue of any disposition made before the passing of this Act or the marriage of the parents, whichever shall be latest, or by virtue of any devolution by law on the death of any person dying before the passing of this Act or the marriage of the parents, whichever shall be latest.

5—(1.) Notwithstanding anything to the contrary contained in any Act, it shall be the duty of every Registrar and Deputy Registrar respectively appointed under any Act for the time being in force providing for the registration of births, upon any man who claims to be the father of an illegitimate child whose mother he has married since the birth of such child producing to such Registrar or Deputy Registrar a statutory declaration in the form or to the effect set forth in the Schedule hereto, made by him in accordance with the provisions of "The Statutory Declarations Act, 1837," to register any such child (whether dead or alive) as the lawful issue of such man and his wife; and upon such registration the parentage of the child shall be deemed established.

(2.) The Registrar or Deputy Registrar shall forthwith make a note in the entry underneath his signature, to the effect that the registration has been made under the authority of this Act, and, if the same child has been previously registered as illegitimate, such Registrar or Deputy Registrar shall, on the record of such previous registration, make a note of the entry made under this Act, and intimate to the Registrar-General for the State that this has been done.

(3.) If the Registrar or Deputy Registrar has not the possession of the register-book containing such entry of illegitimacy, it shall be sufficient for him to intimate to the Registrar-General the fact of the new entry having been effected.

(4.) The father of any such child shall sign the registration entry in the register-book of births.

(5.) The provisions of this Section shall not be deemed to imply that any formal recognition of a child by its parents is necessary to effect its legitimation, nor preclude any other mode of establishing the parentage of the child.

6 Section Five of the Act of Council of *Tasmania*, 16 *Victoriae* No. 11, is hereby amended by the addition at the end thereof of the following words: "the word 'child' also includes illegitimate child."

The word "child" in 16 Vict. No. 11 includes illegitimate child.

Cf. *ibid.* (N.Z.), s. 6.

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SCHEDULE.

DECLARATION.

I _____ of _____, do hereby solemnly and sincerely declare that—

1. I am the father of a certain illegitimate child, born on the _____ day of _____, 1____, at _____.
2. I was married to _____, the mother of the said child, on the _____ day of _____, 1____, at _____, and I am desirous of having the birth of the said child registered as that of the lawful issue of myself and the said _____.
3. The document hereunto annexed is a certified copy of the certificate of my marriage with the said _____.

All which matters I conscientiously believe to be true; and I make this declaration under the provisions of "The Statutory Declarations Act, 1837."

Taken before me this _____ day of _____, 1____, at _____, }

A.B.

J.P.

