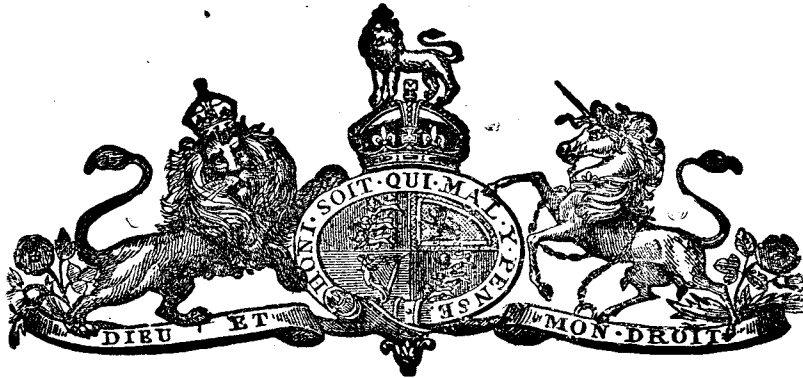


TASMANIA



1918.

ANNO NONO

GEORGII V. REGIS.

No. 56.

ANALYSIS.

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| <ol style="list-style-type: none">1. Short title.2. References to the said Imperial Act in this Act.3. Explanation of s. 11 of 7 Will. 4 and 1 Vict. ch., 26.4. Extension of s. 11 of said Imperial Act to members of naval forces in certain circumstances when not at sea. | <ol style="list-style-type: none">5. Validity of testamentary dispositions of real property made by soldiers and sailors.6. Power to appoint testamentary guardian.7. Extension of power of soldier or sailor who is a minor, to make a will upon ceasing to be soldier or sailor.8. Application of this Act and s. 11 of the said Imperial Act to persons on war service.
What is "war service." |
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AN ACT to further amend the Law with ^{A.D.} 1918.
respect to Wills, and for other purposes.
[14 January, 1919.]

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 This Act may be cited for all purposes as "The Wills (Soldiers and Sailors) Act, 1918." Short title.

Wills (Soldiers and Sailors).

A.D. 1918.

References to the said Imperial Act in this Act.

2 References in this Act to the Imperial Act, intituled "An Act for the Amendment of the Laws with respect to Wills" (hereinafter referred to as the said Imperial Act) or to Section Eleven thereof, include a reference to the said Imperial Act or section as explained and extended by this Act.

Explanation of s. 11 of 7 Will. 4 and 1 Vict., ch. 26. Cf. No. 58, 1918, s. 1 (Imp.).

3 In order to remove doubts as to the construction of the said Imperial Act, it is hereby declared and enacted that Section Eleven of that Act authorises and always has authorised any soldier being in actual military service, or any mariner or seaman being at sea, to dispose of his personal estate as he might have done before the commencement of that Act, though under the age of Twenty-one years.

Extension of s. 11 of said Imperial Act to members of naval forces in certain circumstances when not at sea. Cf. No. 58, 1918, s. 2 (Imp.)

4 Section Eleven of the said Imperial Act shall as from the Fourth day of August, One thousand nine hundred and fourteen, extend to any member of His Majesty's naval or marine forces or the naval forces of the Commonwealth, not only when he is at sea, but also when he is so circumstanced that if he were a soldier he would be in actual military service within the meaning of that section.

Validity of testamentary dispositions of real property made by soldiers and sailors. Cf., *Ibid.* s. 3.

5 A testamentary disposition of any real estate in Tasmania made by a person to whom Section Eleven of the said Imperial Act applies, and who dies after the passing of this Act, shall, notwithstanding that the person making the disposition was at the time of making it under Twenty-one years of age, or that the disposition has not been made in such manner or form as was at the passing of this Act required by law, be valid in any case where the person making the disposition was of such age, and the disposition has been made in such manner and form that if the disposition had been a disposition of personal estate made by such a person domiciled in Tasmania, it would have been valid.

Power to appoint testamentary guardian. Cf., *Ibid.*, s. 4.

6 Where any person dies after the commencement of this Act, having made a will which is, or which, if it had been a disposition of property, would have been rendered valid by Section Eleven of the said Imperial Act, any appointment contained in that will of any person as guardian of the infant children of the testator, shall be of full force and effect.

Extension of power of soldier or sailor who is a minor, to make a will upon ceasing to be soldier or sailor. 16 Vict., No. 4.

7 Any soldier under the age of Twenty-one years who, having been in actual military service, ceases to be in such service or to be a soldier, and any mariner or seaman under the said age, who is not at sea or who ceases to be a mariner or seaman, shall, notwithstanding the provisions of Section Seven of the said Imperial Act, be as competent to make as valid a will disposing of all or any part of his property (including property over which he has power of appointment) as if he were of the age of Twenty-one years. Provided the provisions of Section Nine (as amended by "The Wills Act Amendment Act, 1852"), and Section Ten of the said Imperial Act are complied with.

Wills (Soldiers and Sailors).

8—(1) This Act and Section Eleven of the said Imperial Act shall as from the Fourth day of August, One thousand nine hundred and fourteen, extend and apply to any person engaged on war service as if such person were a “soldier being in actual military service” within the meaning of that section.

(2) For the purposes of this section a person shall be deemed to be engaged on war service if in connection with the present war—

- I. He is engaged whether in or outside Tasmania on naval or military service with His Majesty’s naval or military forces or with the naval or military forces of the Commonwealth :
or
- II. He is engaged outside Tasmania in any work of any Red Cross society or ambulance association or any other body with similar objects : or
- III. He is a prisoner of war in the enemy’s country or interned in the country of a neutral Power.

A.D. 1918.

Application of this Act and s. 11 of the said Imperial Act to persons on war service.
What is “war service.”

