New South Wales.



ANNO SECUNDO

EDWARDI VII REGIS.

Act No. 23, 1902.

An Act to amend the law by making provision for the Legitimation of Children born before marriage on the subsequent marriage of their parents. [Assented to, 23rd July, 1902.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. The short title of this Act is "The Legitimation Act of 1902." Short title.

2. In the construction of this Act the word "Registrar" means Interpretation. and includes the Registrar-General, his deputies, and all district registrars.

3. Any child born before the marriage of his or her parents Legitimation of (and whether before or after the passing of this Act), whose parents illegitimate children have intermarried or shall hereafter intermarry, shall be deemed on marriage of parents. the registration of such child as hereinafter provided to have been legitimated by such marriage from birth, and shall be entitled to all the rights of a child born in wedlock.

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

5. Nothing in this Act shall affect any estate, right, or interest Certain estates, in any real or personal property to which any person has become or rights, or interests may become entitled, either-mediately or immediately in possession, or expectancy by virtue of any disposition made before the passing of this Act, or by virtue of any devolution by law on the death of any person dying before the passing of this Act.

6.

Limit to legitimation.

6. Nothing in this Act shall have the effect of legitimating any child if at the time of the birth of such child there existed any legal impediment to the intermarriage of the parents of such child.

Registrar to register such child.

7. When any man who claims to be the father of any illegitimate child, whose mother he has married since the birth of such child, produces to a registrar a statutory declaration in the form set out in the Schedule hereto, it shall be the duty of the registrar to register such child, whether dead or alive, as the lawful issue of such man and his wife, and the registrar shall make a note in the entry underneath his signature to the effect that such registration has been made under the authority of this Act. If the child has been previously registered as illegitimate, he shall also make in the register on the page on which the previous entry was made a note of the entry made under this Act, and shall intimate to the Registrar-General, if he is a deputy or district registrar, that such entries have been made. If such last-mentioned registrar has not in his possession the register containing the entry of illegitimacy, it shall be sufficient for him to intimate to the Registrar-General the fact of the new entry having been made.

SCHEDULE.

Declaration.

I, of declare, as follows:— , in the State of New South Wales, do solemnly and sincerely

- 1. I am the father of a certain child, named, born on the day of at
- 2. I was married to the mother of the said child, on the day of the said child registered as that of the lawful issue of myself and the said the said.

3 The document hereunto annexed is a certified copy of the certificate of my marriage with the said

4. No legal impediment to the marriage of myself and the said existed at the time of the birth of the said child.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixty-fourth year of the reign of Her late Majesty, intituled An Act to consolidate the enactments relating to Oaths, Affirmations, Statutory Declarations, and Affidavits.

Declared by the said , at aforesaid this day of

Before me,

A Justice of the Peace for the State of New South Wales; or A Commissioner of the Supreme Court of New South Wales.

LEGITIMATION BILL.

SCHEDULE of the Amendments referred to in Message of 2 July, 1902.

Page 3, Schedule, line 3. Omit "Colony" insert "State"

Page 3, Schedule, line 15. Omit "ninth" insert "sixty-fourth"

Page 3, Schedule, lines 16 to 19. Omit "for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales, and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra judicial Oaths and Affidavits" insert "to consolidate the enactments relating to Oaths, Affirmations, Statutory Declarations, and Affidavits"

Page 3, Schedule, line 23. Omit "Colony" insert "State"

PRODUCTION OF BUILD

20 Machill " sp less in a school south of to be Marage of 2 July, 1902.

From the School of the State of Control 18, 2000 of the State of S

This Public Bill originated in the Legislative Council, and, having passed during the previous Session, is now ready for presentation to the Legislative Assembly for its concurrence.

Legislative Council Chamber, Sydney, 29th May, 1902.

JOHN J. CALVERT, Clerk of the Parliaments.

The Legislative Assembly has this day agreed to this Bill with Amendments.

Legislative Assembly Chamber, Sydney, 2 July, 1902.

F. W. WEBB, Clerk of the Legislative Assembly.

New South Wales.



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3. Any child born before the marriage of his or her parents Legitimation of 10 (and whether before or after the passing of this Act), whose parents illegitimate children have intermarried or shall hereafter intermarry, shall be deemed on marriage of parents.

Note. —The words to be omitted are ruled through; those to be inserted are printed in black letter.

the registration of such child as hereinafter provided to have been legitimated by such marriage from birth, and shall be entitled to all the rights of a child born in wedlock.

4. The issue of any such legitimated child who has died or may Issue of legitimated 5 hereafter die before the marriage of his or her parents shall take, by child dying before operation of law, the same real and personal property which would have accrued to such issue if the parent had been born in wedlock.

5. Nothing in this Act shall affect any estate, right, or interest Certain estates, in any real or personal property to which any person has become or rights, or interests not affected.

10 may become entitled, either mediately or immediately in possession, or expectancy by virtue of any disposition made before the passing of this Act, or by virtue of any devolution by law on the death of any person dying before the passing of this Act.

6. Nothing in this Act shall have the effect of legitimating Limit to legitimation.

15 any child if at the time of the birth of such child there existed any

legal impediment to the intermarriage of the parents of such child.

7. When any man who claims to be the father of any illegitimate Registrar to register child, whose mother he has married since the birth of such child, produces to a registrar a statutory declaration in the form set out in 20 the Schedule hereto, it shall be the duty of the registrar to register such child, whether dead or alive, as the lawful issue of such man and his wife, and the registrar shall make a note in the entry underneath his signature to the effect that such registration has been made under the authority of this Act. If the child has been previously 25 registered as illegitimate, he shall also make in the register on the

page on which the previous entry was made a note of the entry made under this Act, and shall intimate to the Registrar-General, if he is a deputy or district registrar, that such entries have been made. If such last-mentioned registrar has not in his possession the register containing

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SCHEDULE.

Declaration.

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marriage with the said 4. No legal impediment to the marriage of myself and the said

existed at the time of the birth of the said child.

And I make this solemn declaration conscientiously believing the same to be 15 true, and by virtue of the provisions of an Act made and passed in the ninth sixty-fourth year of the reign of Her late Majesty, intituled "An Act for the more effectual Abolition of Oaths-and Affirmations taken and made in various Departments of the Government of New South Wales, and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra judicial Oaths and Affidavits to consolidate the enactments relating 20 to Oaths, Affirmations, Statutory Declarations, and Affidavits."

Declared by the said

day of

25

day of

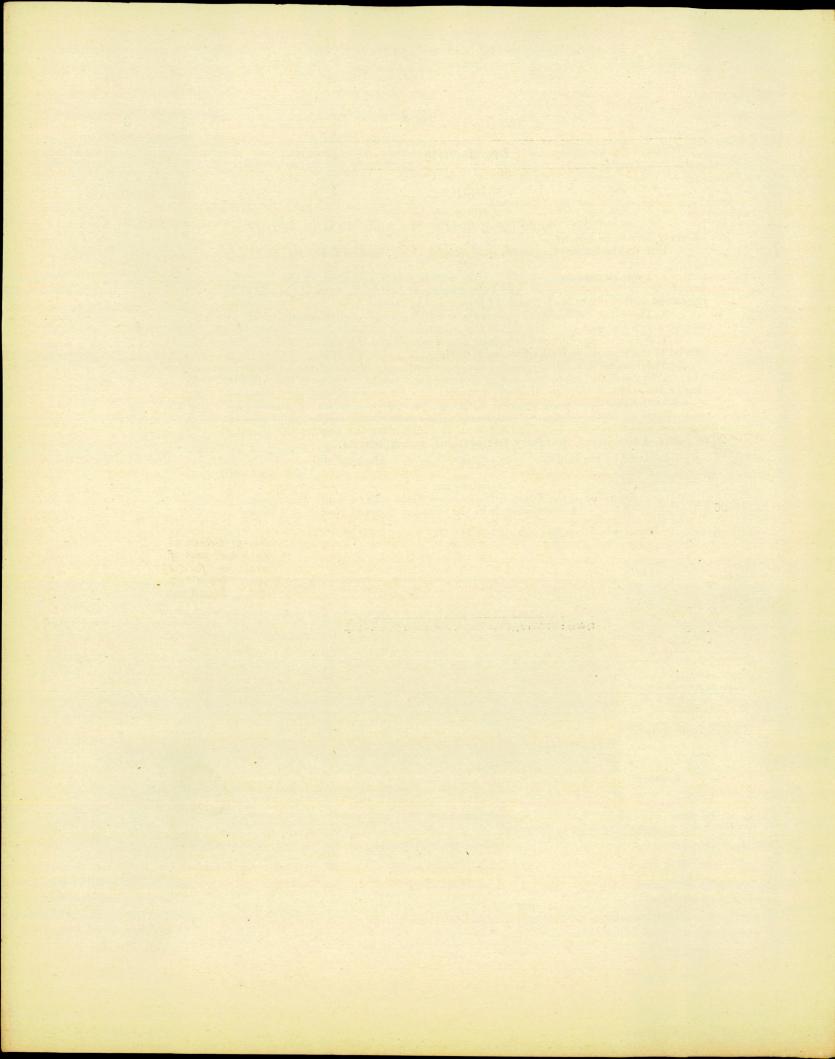
Before me,

A Justice of the Peace for the Colony State of New South Wales; or A Commissioner of the Supreme Court of New South Wales.

Sydney: William Applegate Gullick, Government Printer .- 1902.

[3d.]

30 the entry of illegalima



I Certify that this Public Bill, which originated in the Legislative Council, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

Legislative Council Chamber, Sydney, 11th July, 1902. JOHN J. CALVERT. Clerk of the Parliaments.

New South Wales.



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4. 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 the parent had been born in wedlock.

5. 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, or expectancy by virtue of any disposition made before the passing of this Act, or by virtue of any devolution by law on the death of any person dying before the passing of this Act.

6. Nothing in this Act shall have the effect of legitimating any child if at the time of the birth of such child there existed any legal impediment to the intermarriage of the parents of such child.

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Issue of legitimated child dying before marriage of parents.

Certain estates, rights, or interests not affected.

Limit to legitimation.

Registrar to register such child.

SCHEDULE.

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Declared by the said , at aforesaid this day of

Before me,

A Justice of the Peace for the State of New South Wales; or A Commissioner of the Supreme Court of New South Wales.

In the name and on the behalf of His Majesty I assent to this Act.

HARRY H. RAWSON,

State Government House, Sydney, 23rd July, 1902. Governor.

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