

No. V.

An Act to amend the Law with respect to the WILLS EXECUTION.
Execution of Wills. [4th July, 1853.]

WHIEREAS the Law with respect to the execution of Wills requires further amendment Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

1. Where by an Act passed in the first year of the reign of Her Majesty Queen Victoria intituled "*An Act for the amendment of the Laws with respect to Wills*" (which said Act was adopted in New South Wales by an Act of Council passed in the third year of the same reign numbered five) it is enacted that no will shall be valid unless it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction Every will shall so far only as regards the position of the signature of the testator or of the person signing for him as aforesaid be deemed to be valid within the said enactment as explained by this Act if the signature shall be so placed at or after or following or under or beside or opposite to the end of the will that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing signed as his will and no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature or by the circumstance that the signature shall be placed among the words of the testimonium clause or of the clause of attestation or shall follow or be after or under the clause of attestation either with or without a blank space intervening or shall follow or be after or under or beside the names or one of the names of the subscribing witnesses or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the will whereon no clause or paragraph or disposing part of the will shall be written above the signature or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature and the enumeration of the above circumstances shall not restrict the generality of the above enactment but no signature under the said Act or this Act shall be operative to give effect to any disposition or direction which is underneath or which follows it nor shall it give effect to any disposition or direction inserted after the signature shall be made.

1 Vic. c. 26.

3 Vic. No. 5.

When signature to a will shall be deemed valid.

2. The provisions of this Act shall extend and be applied to every will already made where administration or probate has not already been granted or ordered in consequence of the defective execution of such will or where the property being other than personalty has not been possessed or enjoyed by some person claiming to be entitled thereto in consequence of the defective execution of such will or the right thereto shall not have been decided to be in some other person than the person claiming under the will in consequence of the defective execution of such will.

Act to extend to certain wills already made.

3. This Act shall be read and construed according to the definitions and interpretations contained in the said Act of the first year of the reign of Her Majesty Queen Victoria and as if this Act had been incorporated with the same and had formed part thereof.

Interpretation clause.