

Legitimation.

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. [23rd July, 1902.]

LEGITIMATION.

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."

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

3. 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 on 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 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.

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

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

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 _____, 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 _____.
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.