

WILLS (SOLDIERS, SAILORS, AND AIRMEN).

5° GEO. VI., No. XX.

No. 20 of 1941.

AN ACT to amend the law with reference to testamentary dispositions by soldiers and sailors.

[Assented to 25th November, 1941.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Wills (Soldiers, Sailors, and Airmen) Act, 1941.* Short title.

2. In order to remove doubts as to the construction of the Wills Act, 1837, being 7 Will. 4 and 1 Vict., c.26, as adopted by 2 Vict. 1 (in this Act referred to as the Wills Act, 1837), 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 passing of that Act, though under the age of twenty-one years. Explanation of s. 11 of Wills Act, 1837.

3. Section eleven of the Wills Act, 1837, shall extend to any member of His Majesty's naval or marine forces Extension of s. 11 of Wills Act, 1837.

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.

4. A testamentary disposition of any real estate in Western Australia made by a person to whom section eleven of the Wills Act, 1837, 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 Western Australia it would have been valid.

Power to
appoint
testamentary
guardians.

5. Where any person dies after the passing 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 Wills Act, 1837, 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.

Power to re-
voke Wills by
soldiers and
sailors.

6. Any person who being then under the age of twenty-one years has made a will which is rendered valid by section eleven of the Wills Act, 1837, and this Act, and who thereafter ceases to be a person to whom section eleven of the Wills Act, 1837, as explained and extended by this Act applies, may revoke such will, although at the time of such revocation he is still under the age of twenty-one years, in any manner (other than by the making of another will) in which the Wills Act, 1837, provides that a will may be revoked.

Interpreta-
tion.

7. For the purposes of section eleven of the Wills Act, 1837, and this Act, the phrase "soldier in actual military service" shall include any man who, by the terms of his enlistment, is liable for service beyond the limits of the Commonwealth of Australia as a member of the military or air forces or the army medical service of the Commonwealth of Australia or of any other part of His Majesty's Dominions, and references in this Act to the said section eleven include a reference to that section as explained and extended by this Act.