

WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

XL.

No. 44 of 1909.

AN ACT to amend the Law by making provision for the Legitimation of Children born before Marriage, by the Subsequent Marriage of their Parents.

[Reserved 21st December, 1909.]

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 *Legitimation Act*, 1909. Short title.
2. In the construction of this Act the word "Registrar" means and includes the Registrar General, appointed under the Registration of Births, Deaths, and Marriages Act, 1894, his deputies, and all district registrars and assistant district registrars. Interpretation.
See N.S.W. 1902,
No. 23, s. 2.
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. Legitimation of
illegitimate
children on regis-
tration after
marriage of parents,
N.S.W. 1902, No. 23,
s. 3.

Issue of legitimated
child dying before
marriage of parents.
N.S.W., 1902, No.
23, s. 4.

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.

Certain estates,
rights, or interests
not affected.
N.S.W., 1902.
No. 23, s. 5.

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.

Registrar to
register such child.
N.S.W. 1902, No. 23,
s. 7.

6. (1.) 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 to the effect that such registration has been made under the authority of this Act.

(2.) 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.

(3.) If such deputy or district 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.

Regulations.

7. The Governor may make regulations for carrying this Act into effect and prescribing forms for use under this Act.

SCHEDULE.

DECLARATION.

I of , do solemnly and sincerely declare that—

1. I am the father of a certain child named , born on the
day of , 1 , at .

2. I was married to , the mother of the said child, on the
day , 1 , 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 .

And I make this solemn declaration by virtue of section one hundred and six
of "The Evidence Act, 1906."

Taken at , the day , 19 , before me,

J.P.