

New Zealand.

LEGITIMATION.

1908, No. 102.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Legitimation of Children born before Marriage on the Subsequent Marriage of their Parents.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is "The Legitimation Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto. Enactments consolidated.

(3.) All matters and proceedings commenced under any of the said enactments, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. Any child born before the marriage of his or her parents (whether before or after the coming into operation of this Act), whose parents have intermarried or 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, including the right to such real and personal property as might have been claimed by such child if born in wedlock, and also to any real and personal property on the succession of any other person which might have been claimed through the parent by a child born in wedlock. Legitimation of illegitimate children on registration after marriage of parents. 1894, No. 28, sec. 2

3. 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 such legitimated child had been born in wedlock. Issue of legitimated child dying before marriage of parents. Ibid, sec 3

Impediment to
legitimation.
1894, No. 28, sec. 4

1903, No. 19, sec. 2

Property not
affected.
1894, No. 28, sec. 4
1903, No. 19, sec. 2

Registrars to
register such child.
1894, No. 28, sec. 5

4. (1.) 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.

(2.) It shall not be deemed to have been a legal impediment within the meaning of this section to the marriage of the parents of any child that at the time of the birth of such child the father was the brother of the mother's deceased husband, or the mother was the sister of the father's deceased wife.

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 eighteenth day of October, One thousand eight hundred and ninety-four (being the date of the coming into operation of "The Legitimation Act, 1894"), or of any devolution by law on the death of any person dying before that date.

6. Notwithstanding anything to the contrary in any other Act, the following special provisions shall have effect :—

- (a.) If any man who claims to be the father of an illegitimate child whose mother he has married since the birth of such child produces to the Registrar or Deputy Registrar under "The Births and Deaths Registration Act, 1908," a statutory declaration in the form or to the effect set forth in the Second Schedule hereto, the Registrar or Deputy Registrar shall register such child (whether dead or alive) as the lawful issue of such man and his wife.
- (b.) The Registrar or Deputy Registrar shall make a note in the entry, underneath his signature, to the effect that the registration has been made under the authority of this Act, and if the same child has been previously registered as illegitimate the Registrar or Deputy Registrar shall make a note of the entry made under this Act on the previous registration of illegitimacy, and intimate to the Registrar-General that this has been done.
- (c.) If the Registrar or Deputy Registrar has not the possession of the register-book containing such entry of illegitimacy, it shall be sufficient for him to intimate to the Registrar-General the fact of the new entry having been made.
- (d.) The father of any such child shall sign the registration entry in the register-book of births.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

1894, No. 28.—"The Legitimation Act, 1894": Except section 6.
1903, No. 19.—"The Legitimation Act Amendment Act, 1903."

• SECOND SCHEDULE

STATUTORY DECLARATION.

Section 6.
1894, No. 28,
Schedule.

I, _____, of _____, do solemnly and sincerely declare as follows :—

1. I am the father of a certain illegitimate child, born on the _____ day of _____, 19____, at _____.
2. I was married to _____, the mother of the said child, on the day of _____, 19____, 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 Justices of the Peace Act, 1903."

Declared by the said _____, at _____, this _____ day of _____, 19____
A. B.,

Justice of the Peace
[or Solicitor of the Supreme Court].