



ANNO SEXAGESIMO PRIMO ET SEXAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1898.

No. 703.

An Act relating to the Legitimation of Children.

[*Assented to, December 23rd, 1898.*]

BE it Enacted by the Governor, with the advice and consent of
the Parliament of South Australia, as follows :

1. This Act may be cited as "The Legitimation Act, 1898." Short title.

2. 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, 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 property which might have been claimed through the parent by a child born in wedlock. Legitimation of children after marriage of parents.

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 the parent had been born in wedlock. Issue of legitimated child dying before marriage of parents.

4. No legitimation under 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, prior to legitimation, or by virtue of any disposition made before the passing of this Act; and nothing in this Certain estates in property not affected.

The Legitimation Act.—1898.

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.

Registration of child.

5. Notwithstanding anything to the contrary contained in any other Act, every Registrar under any Act for the time being in force providing for the registration of births, upon any person who claims to be the parent of an illegitimate child producing to such Registrar a declaration in the form or to the effect in one of the forms set forth in the Schedule hereto, made by both parents of such child, shall register such child (whether dead or alive) as the lawful issue of such parents, and the Registrar shall forthwith 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 such Registrar shall make a note of the entry made under this Act on the previous registration, and intimate to the Registrar-General that this has been done. If the Registrar has not the possession of the register-book containing such previous registration it shall be sufficient for him to intimate to the Registrar-General the fact of the new entry having been made. The father of any such child shall sign the registration entry.

Time for registration.

6. The registration of children under this Act shall be void and of no effect if not made within the following times:—

- (a) In the case of children whose parents have intermarried before the passing of this Act, before the first day of January, one thousand nine hundred:
- (b) In the case of children whose parents intermarry after the passing of this Act, within thirty days before the intermarriage when such marriage is subsequently carried out, or within the same period after the intermarriage of such parents.

Interpretation.

7. The word "Registrar" in this Act shall include every person authorised to register births, whether in any particular district or in South Australia generally.

False declaration to be evidence.

8. Every declaration under this Act shall be evidence of the matters therein stated, and every person who shall wilfully make a false declaration under this Act shall be guilty of perjury.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

S. J. WAY, Lieutenant-Governor.

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THE SCHEDULE REFERRED TO.

We, A.B. and C.D. [*here insert names of parents*], of [*here insert address*], do solemnly and sincerely declare as follows:—

1. We are the parents of a child named [*here insert name of child*] born on the day of _____, 18____, at _____.
2. We were married on _____, the day of _____, 18____, at _____, and we are desirous of having the birth of the said child registered as that of our lawful issue.
3. The document hereunto annexed is a certified copy of the certificate of our marriage.
4. No legal impediment to our marriage existed at the time of the birth of the said child.

[*Signatures of the declarants.*]

Declared at _____ this _____ day of _____, 18____, before me—

.....
A Justice of the Peace in and for the Province of South Australia.

We, A.B. [*here insert name of father*], of [*here insert address and occupation of father*], and C.D., [*here insert name of mother*], of [*here insert address and occupation of mother*], do solemnly and sincerely declare as follows:—

1. We are the parents of a child named [*here insert name of child*], born on the day of _____, 18____, at _____.
2. We intend to intermarry within thirty days, and we are desirous of having the birth of the said child registered as that of our lawful issue.
3. No legal impediment to our intermarriage existed at the time of the birth of the said child.

.....
.....
[*Signatures of declarants.*]

Declared at _____ this _____ day of _____, 18____, before me—

.....
A Justice of the Peace in and for the Province of South Australia.