

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*

*Legislative Council,  
30th August, 1894.*

*Hon. Mr. MacGregor.*

## LEGITIMATION.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Legitimation of illegitimate children on registration after marriage of parents.</p> <p>3. Issue of legitimated child dying before marriage of parents.</p>	<p>4. Estate, right, or interest in property not affected.</p> <p>5. Registrars to register such child.</p> <p>6. The word "child" in "The Deaths by Accident Act, 1880," includes illegitimate child. Schedule.</p>
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### A BILL INTITULED

AN ACT to amend the Law by making Provision for the Legitimation of Children born before Marriage on the subsequent Marriage of their Parents. Title.

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

1. The Short Title of this Act is "The Legitimation Act, 1894." Short Title.

10 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 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.

20 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.

25 4. 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, and 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 inter-marriage of the parents of such child.

Estate, right, or interest in property not affected.

Registrars to register such child.

5. Notwithstanding anything to the contrary contained in any other Act, it shall be the duty of every Registrar and Deputy-Registrar respectively appointed under any Act for the time being in force providing for the registration of births, upon any man who claims to be the father of an illegitimate child whose mother he has married since the birth of such child, producing to such Registrar or Deputy-Registrar a declaration in the form or to the effect set forth in the Schedule hereto, made by him in accordance with the provisions of "The Justices of the Peace Act, 1882," to register any such child (whether dead or alive) as the lawful issue of such man and his wife. And 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, such 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. 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. The father of any such child shall sign the registration entry in the register-book of births.

The word "child" in "The Deaths by Accident Act, 1880," includes illegitimate child.

6. Section two of "The Deaths by Accident Act, 1880," is hereby amended by the addition at the end thereof of the following words: " ' child ' includes illegitimate child."

## SCHEDULE.

### DECLARATION.

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

1. I am the father of a certain illegitimate child, born on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at \_\_\_\_\_.
2. I was married to \_\_\_\_\_, the mother of the said child, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, 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, 1882."

Declared by the said \_\_\_\_\_, and the said \_\_\_\_\_, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A.B.,

A Justice of the Peace for the Colony of New Zealand.  
[or A Solicitor of the Supreme Court of New Zealand.]