

15 & 16 Vict.,  
c. 24.

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*“The Wills Act Amendment Act, 1852.”*

AN ACT for the Amendment of an Act passed in the First Year of the Reign of Her Majesty Queen Victoria, intituled “An Act for the Amendment of the Laws with respect to Wills.” [17th June, 1852.]

WHEREAS the laws with respect to the execution of wills require further amendment: . . . .

1. Where, by an Act passed in the first year of the reign of Her Majesty Queen Victoria, intituled "An Act for the Amendment of the Laws with respect to Wills," it is enacted that no will shall be valid unless it shall be signed at the foot or end thereof by the testator, or by some other person in his presence, and by his direction :

When signature to a will shall be deemed valid.

Every will shall, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, be deemed to be valid within the said enactment, as explained by this Act, if the signature shall be so placed at, or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing signed as his will ;

And . . . no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause or of the clause of attestation, or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow or be after, or under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the will whereon no clause or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature ; and the enumeration of the above circumstances shall not restrict the generality of the above enactment :

But no signature under the said Act or this Act shall be operative to give effect to any disposition or direction which is underneath or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

2. The provisions of this Act shall extend and be applied to every will already made, where administration or probate has not already been granted or ordered by a Court of competent jurisdiction in consequence of the defective execution of such will, or where the property, not being within the jurisdiction of the Ecclesiastical Courts, has not been possessed or enjoyed by some person or persons claiming to be entitled thereto in consequence of the defective execution of such will, or the right

Act to extend to certain wills already made.

15 & 16 *Vict.*, thereto shall not have been decided to be in some other person  
*c. 24.*  
\_\_\_\_\_ or persons than the persons claiming under the will, by a Court of competent jurisdiction, in consequence of the defective execution of such will.

Interpreta-  
tion of "will."

3. The word "will" shall, in the construction of this Act, be interpreted in like manner as the same is directed to be interpreted under the provisions in this behalf contained in the said Act of the first year of the reign of Her Majesty Queen Victoria.

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