

LEGITIMATION ORDINANCE, 1930.⁽¹⁾

No. 1 of 1930.

An Ordinance for the Legitimation of Children born before Marriage on the subsequent Marriage of their Parents.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Legitimation Ordinance, 1930.*⁽¹⁾ Short title.

2. In the construction of this Ordinance the word "Registrar" means and includes the Registrar-General his deputies an Acting Registrar-General and all District Registrars. Interpretation.
Q. 63 Vic.
No. 11, s. 2.

3. Any child born before the marriage of his or her parents (and whether before or after the passing of this Ordinance) 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 registration after marriage of parents.
Q. 7b. s. 3.

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. Issue of legitimated child dying before marriage of parents.
Q. 7b. s. 4.

5. Nothing in this Ordinance 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 Ordinance or by virtue of any devolution by law on the death of any person dying before the passing of this Ordinance. Certain estate right or interest not affected.
Q. 7b. s. 5.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
15.7.1930	3.12.1930	15.7.1930 (<i>Ordinances etc. of Papua, 1930, p. 1</i>)

MARRIED WOMEN AND CHILDREN—

Limit to
legitimation.
Q. 63 Vic.
No. 11, s. 6.

Registrar to
register such
child.
Schedule.
Q. 63 Ib. s. 7.

Right of
illegitimate child
and mother of
illegitimate child
to succeed on
intestacy of
the other.
Cf. Imp. 16 & 17
Geo. V, c. 60,
s. 8.

Schedule.
Section 7.

6. Nothing in this Ordinance 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.

7. 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 entry underneath his signature to the effect that such registration has been made under the authority of this Ordinance. 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 Ordinance and shall intimate to the Registrar-General if he is a deputy or District Registrar that such entries have been made. If such last-mentioned 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.

8.—(1.) Where after the commencement of this Ordinance the mother of an illegitimate child such child not being a legitimated person dies intestate as respects all or any of her real or personal property and does not leave any legitimate issue her surviving the illegitimate child or if he is dead his issue shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

(2.) Where after the commencement of this Ordinance an illegitimate child not being a legitimated person dies intestate in respect of all or any of his real or personal property his mother if surviving shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.

SCHEDULE.

I, _____, of _____, in the Territory of Papua, 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 provisions of the *Oaths Ordinance, 1912-1927.*

Declared by the said _____ at _____ aforesaid
this _____ day of _____
Before me—