



ANNO DECIMO-SEXTO

VICTORIÆ REGINÆ,

No. 4.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice and Consent of the
Legislative Council.*

**AN ACT for the further Amendment of the Laws with
respect to Wills.** [22nd September, 1852.]

WHEREAS an Act of the Imperial Parliament of Great Britain and Ireland was passed in the first year of the reign of Her present Majesty, intituled *An Act for the Amendment of the Laws with respect to Wills*—AND WHEREAS by an Act of Council made and passed in the fourth year of the reign of Her said Majesty, intituled "*An Act for adopting a certain Act of Parliament passed in the first Year of the Reign of Her present Majesty, intituled An Act for the Amendment of the Laws with respect to Wills,*" the said recited Act of Parliament, and the several clauses, provisions, and enactments therein contained, were adopted and directed to be applied in the administration of Justice in the Island of Van Diemen's Land and its Dependencies, so far as the same could be so applied in the manner by the said Act of Council in that behalf provided—AND WHEREAS by the said recited Act of Parliament it is amongst other things provided that no Will should be valid unless it should be signed at the foot or end thereof by the Testator, or by some other person in his presence and by his direction—AND WHEREAS it is expedient to amend the Laws with respect to the execution of Wills in the manner hereinafter provided.

PREAMBLE.
1 Vict. c. 26.
4 Vict., No. 9,
31st August, 1840.

I. BE IT THEREFORE ENACTED by His Excellency Sir WILLIAM THOMAS DENISON, Knight, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council of the said Island, that from and after the passing of this Act 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 that 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

When signature
to a Will shall be
deemed valid.

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: PROVIDED ALWAYS that the enumeration of the above circumstances shall not restrict the generality of the above enactment: PROVIDED ALSO that no signature under the said recited Act of Parliament 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 time at which the signature shall be made.

Act to extend to certain Wills already made.

II. AND BE IT FURTHER ENACTED that 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 the Supreme Court of this Colony, in consequence of the defective execution of such Will, or where the property, not being within the Ecclesiastical Jurisdiction of the said Supreme Court, 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 thereto shall not have been decided to be in some other person or persons than the persons claiming under the Will, by a Court of competent Jurisdiction, in consequence of the defective execution of such Will.

Interpretation of "Will."

III. AND BE IT FURTHER ENACTED that 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 that behalf contained in the said recited Act of Parliament.

Short Title of Act.

IV. AND BE IT ENACTED that in citing this Act in other Acts of Council of this Colony, and in legal instruments, and in legal proceedings, it shall be sufficient to use the expression "The Wills' Act Amendment Act, 1852."

RICHARD DRY, *Speaker*.

Passed the Legislative Council this seventeenth day of September, one thousand eight hundred and fifty-two.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

IN the name and on the behalf of Her Majesty I assent to this Act.

Government House, Hobart Town,
22nd September, 1852.

W. DENISON,
Lieut.-Governor.

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