

parents. In the event of the death of such a legitimated person its children could represent the parent in respect of the succession upon intestacy to a share of the estate of a parent or other relative. It was originally impossible to legitimate a child if at the time of its birth there existed any legal impediment to the marriage of the parents. This restriction was, however, removed by the Legitimation Amendment Act, 1921, which went further and enabled the mother of an illegitimate child to secure its legitimation if the father after marriage to her had died without availing himself of the provisions of the statute. The Supreme Court has held that in the event of the legitimation in this manner of a child by its widowed mother (notwithstanding the fact that in this particular case the father had died prior to the coming into force of the Legitimation Amendment Act, 1921) the legitimated child becomes entitled to a share in its father's estate equally with the children born in wedlock.

The Administration Act, 1908 (incorporating provisions originally enacted in the year 1879), also accorded to illegitimate children the right of succession to the estates of their mothers, but they were not permitted to take any benefit if legitimate children or their issue survived the mother. In the case of an illegitimate man dying intestate without legitimate children his mother is admitted to share equally in his estate with his widow, and she is entitled to take the whole of the estate if the intestate does not leave a widow or legitimate children surviving him. In the event of all these classes of relatives predeceasing the intestate the mother's next-of-kin succeed to the whole of his estate. Where an illegitimate female dies intestate, in the absence of a husband or legitimate or illegitimate children the mother succeeds to the whole of the estate, which in the event of her predeceasing the intestate goes to her next-of-kin. It will be seen that the guiding principle of this legislation is the recognition of the relationship between illegitimate children and their mother, limited, however, so as not to place the illegitimate children on a basis of equality with her legitimate children. No relationship is, of course, recognized between the father and his illegitimate children.

The Legitimacy Act, 1926 (England), has brought the English law upon these subjects into line largely with the New Zealand law, and it contains provisions of great interest to persons engaged in the administration of trust estates. The statute provides for the legitimation of children born out of wedlock upon the subsequent marriage of the parents; but this provision is subject to the important qualification that the subsequent marriage will not legitimate a person at whose birth one of the parents was married to a third person. Legitimation takes effect only from the 1st January, 1927, if the marriage occurred before that date, or if after that date, then from the date of the marriage only. The effect of the legitimation is to entitle the legitimated person and the husband, or wife, children, or remoter issue of such person to take an interest in the estate of an intestate dying after the date of legitimation, or in any disposition coming into operation or property passing under an entail created after that date, in the same manner as if the legitimated person had been born legitimate. Specific provision is made in regard to the relative seniority of the legitimated children and the legitimate children of a person in cases where under the new law this is likely to be a matter of importance. So far as concerns succession to the estate of a legitimated person who dies intestate, it appears from a reading of the statute that in the absence of issue ancestors and collaterals may inherit in the same manner as if the person concerned had been born in lawful wedlock. It is interesting to note that a legitimated person is still subject to disabilities in regard to titles of honour or dignities, in that the Act does not render him capable of succeeding to or transmitting any such titles or dignities.

The statute goes further, and makes provision much upon the lines of the New Zealand legislation in regard to the succession to the estates of illegitimate persons and the succession of such persons to the intestate estates of their mothers. As in New Zealand, no account is taken of the relationship to the putative father, but the relationship to the mother is recognized, so that illegitimate children may succeed to her intestate estate if she dies or has died after the coming into force of the statute and no legitimate issue survive her. Conversely, a mother may now take any interest in the estate of an illegitimate child to which she would have been entitled if the child had been born legitimate.