

ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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CAP. LXXII.

An Act to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines. [29th *June* 1865.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Navy and Marines (Wills) Act, 1865.

Interpretation of Terms.

2. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Seaman or Marine" means a Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, or other Person forming Part in any Capacity of the Complement of any of Her Majesty's Vessels, or otherwise belonging to Her Majesty's Naval or Marine Force, exclusive of Commissioned, Warrant, and Subordinate Officers, and Assistant Engineers, and of Kroomen.

3. A Will

Will made before Entry ineffectual as to Wages, &c.

3. A Will made after the Commencement of this Act by any Person at any Time previously to his entering into Service as a Seaman or Marine shall not be valid to pass any Wages, Prize Money, Bounty Money, Grant, or other Allowance in the Nature thereof, or other Money payable by the Admiralty, or any Effects or Money in charge of the Admiralty.

Will invalid if combined with Power of Attorney.

4. A Will made after the Commencement of this Act by any Person while serving as a Seaman or Marine shall not be valid for any Purpose if it is written or contained on or in the same Paper, Parchment, or Instrument with a Power of Attorney.

Regulations for Wills of Seamen, &c. as to Wages, &c.

5. A Will made after the Commencement of this Act by any Person while serving as a Seaman or Marine, or when he has ceased so to serve, shall not be valid to pass any Wages, Prize Money, Bounty Money, Grant, or other Allowance in the Nature thereof, or other Money payable by the Admiralty, or any Effects or Money in charge of the Admiralty, unless it is made in conformity with the following Provisions:—

(1.) Every such Will shall be in Writing and be executed with the Formalities required by the Law of *England* in the Case of Persons not being Soldiers in actual Military Service or Mariners or Seamen at Sea:

(2.) Where the Will is made on board One of Her Majesty's Ships, One of the Two requisite attesting Witnesses shall be a Commissioned Officer, Chaplain, or Warrant or Subordinate Officer belonging to Her Majesty's Naval or Marine or Military Force:

(3.) Where the Will is made elsewhere than on board One of Her Majesty's Ships, One of the Two requisite attesting Witnesses shall be such a Commissioned Officer or Chaplain or Warrant or Subordinate Officer as aforesaid, or the Governor, Agent, Physician, Surgeon, Assistant Surgeon, or Chaplain of a Naval Hospital at home or abroad, or a Justice of the Peace, or the Incumbent, Curate, or Minister of a Church or Place of Worship in the Parish where the Will is executed, or a *British* Consular Officer, or an Officer of Customs, or a Notary Public:

A Will made in conformity with the foregoing Provisions shall, as regards such Wages, Money, or Effects, be deemed to be well made for the Purpose of being admitted to Probate in *England;* and the Person taking out Representation to the Testator under such Will shall exclusively be deemed the Testator's Representative with respect to such Wages, Money, or Effects.

As to Wills made by Prisoners of War.

6. Notwithstanding anything in this or any other Act, a Will made after the Commencement of this Act by a Seaman or Marine while

while he is a Prisoner of War shall (as far as regards the Form thereof) be valid for all Purposes if it is made in conformity with the following Provisions:—

(1.) If it is in Writing and is signed by him, and his Signature thereto is made or acknowledged by him in the Presence of and is in his Presence attested by One Witness, being either a Commissioned Officer or Chaplain belonging to Her Majesty's Naval or Marine or Military Force, or a Warrant or Subordinate Officer of Her Majesty's Navy, or the Agent of a Naval Hospital, or a Notary Public:

(2.) If the Will is made according to the Forms required by the Law of the Place where it is made:

(3.) If the Will is in Writing and executed with the Formalities required by the Law of *England* in the Case of Persons not being Soldiers in actual Military Service or Mariners or Seamen at Sea.

Payment under Will not in conformity with Act.

7. Notwithstanding anything in this Act, in case of a Will made after the Commencement of this Act by any Person while serving as a Marine or Seaman, and being either in actual Military Service or a Mariner or Seaman at Sea, the Admiralty may pay or deliver any Wages, Prize Money, Bounty Money, Grant or other Allowance in the Nature thereof, or other Money payable by the Admiralty or any Effects or Money in charge of the Admiralty, to any Person claiming to be entitled thereto under such Will, though not made in conformity with the Provisions of this Act, if, having regard to the special Circumstances of the Death of the Testator, the Admiralty are of opinion that Compliance with the Requirements of this Act may be properly dispensed with.

Commencement of Act.

8. This Act shall commence on such Day, not later than the First Day of *January* One thousand eight hundred and sixty-six, as Her Majesty in Council thinks fit to direct; nevertheless Her Majesty in Council may, if it seems fit, with reference to any Places out of the United Kingdom, direct that this Act do not commence there, respectively, until a Time after that Day, and with respect to every such Place the Time so appointed shall be deemed the Time of Commencement of this Act.

Publication of Orders in Council.

9. Every Order in Council under this Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within Thirty Days after the making thereof, if Parliament is then sitting, and if not, then within Thirty Days after the next meeting of Parliament.

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