

1950

c 203 Legitimation Act

Ontario

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CHAPTER 203

The Legitimation Act

1. If the parents of a child heretofore or hereafter born out of lawful wedlock have heretofore intermarried or hereafter intermarry, the child shall for all purposes be deemed to be and to have been legitimate from the time of birth. R.S.O. 1937, c. 216, s. 1. Subsequent marriage of parents.

2. Notwithstanding section 1, a child born while its father was married to another woman or while its mother was married to another man shall not inherit in competition with the lawful children of either parent. R.S.O. 1937, c. 216, s. 2. Children born out of wedlock to married persons.

3. The parents and brothers and sisters of any child legitimized by this Act shall inherit upon his death as though he had been legitimate. R.S.O. 1937, c. 216, s. 3. Inheritance from legitimized child.

4. Nothing in this Act shall affect any right, title or interest in or to property if such right, title or interest has been vested in any person, Rights of property not prejudiced.

(a) prior to the 1st day of July, 1921; or

(b) in the case of marriage after the 1st day of July, 1921, prior to such marriage. R.S.O. 1937, c. 216, s. 4.

5. Where,

(a) a marriage has taken place in the *bona fide* belief of the death of a former spouse and under such circumstances that the crime of bigamy has not been committed; or Children of re-marriage while former spouse living.

(b) pursuant to section 11 of *The Marriage Act*, a judge has made an order of presumption of death and the spouse of the person who has been presumed to be dead again marries, Rev. Stat., c. 222.

if the person who is believed to be dead or in respect of whom an order of presumption of death has been made, as the case may be, was alive when such marriage was solemnized, unless the marriage is otherwise invalid, the issue conceived before knowledge of the fact that the former spouse is living,

- (c) shall for all purposes be deemed to be and to have been the legitimate children of the persons entering into such marriage from the time of birth; and
- (d) shall have the same rights, benefits and obligations under any law or statute in force in Ontario as they would have had if the person believed to be dead or in respect of whom the order of presumption of death was made, had in fact died before such marriage was solemnized. 1950, c. 36, s. 1.

Intestacy of mother of illegitimate child.

6.—(1) Where the mother of an illegitimate child, such child not being legitimated by this Act, dies intestate as respects all or any of her real or personal property and does not leave any legitimate issue surviving her, 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.

Intestacy of illegitimate child.

Rev. Stat., c. 7.

(2) Subject to subsection 8 of section 12 of *The Adoption Act*, where an illegitimate child, not being legitimated by this Act, 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. 1944, c. 32, s. 1.
