



Wills Act 1837

CHAPTER 26

WILLS ACT 1837

- [1.] Meaning of certain words in this Act: “Will”: “Real estate”: “Personal estate”: Number: Gender.
2
3 All property may be disposed of by will; Contingent Interests; Rights of Entry; and property acquired after the execution of the will.
4—6
7 No will of a person under age valid.
8
9 Signing and attestation of wills
10 Appointments by will to be executed like other wills, and to be valid, although other required solemnities are not observed.
11 Soldiers and mariners wills excepted.
12
13 Publication of will not be requisite.
14 Will not to be void on account of incompetency of attesting witness.
15 Gifts to an attesting witness to be void.
16 Creditor attesting to be admitted a witness.
17 Executor shall be admitted a witness.
18 Wills to be revoked by marriage, except in certain cases.
18A Effect of dissolution or annulment of marriage on wills.
19 No will to be revoked by presumption.
20 No will to be revoked but by another will or codicil, or by a writing executed like a will, or by destruction.
21 No alteration in a will shall have any effect unless executed as a will.
22 No will revoked to be revived otherwise than by Re-execution or a Codicil to revive it.
23 A devise not to be rendered inoperative by any subsequent conveyance or act.

Status: Point in time view as at 20/10/2005.
Changes to legislation: *There are currently no known outstanding effects for the Wills Act 1837. (See end of Document for details)*

- 24 A will shall be construed to speak from the death of the testator.
- 25 Residuary devise shall include estates comprised in lapsed and void devises.
- 26 A general devise of the testator’s lands shall include copyhold and leasehold as well as freehold lands.
- 27 A general gift shall include estates over which the testator has a general power of appointment.
- 28 A devise without any words of limitation shall be construed to pass as free.
- 29 The words “die without issue,” or “die without leaving issue,” shall be construed to mean die without issue living at the death.
- 30 No devise to trustees or executors, except for a term or a presentation to a church, shall pass a chattel interest.
- 31 Trustees under an unlimited devise, where the trust may endure beyond the life of a person beneficially entitled for life, shall take the fee.
- 32 Devises of estates tail shall not lapse.
- 33 Gifts to children or other issue who leave issue living at the testator’s death shall not lapse.
- 34 Act not to extend to wills made before 1838, nor to estates pur autre vie of persons who die before 1838.
- 35 Act not to extend to Scotland.
- 36

Status:

Point in time view as at 20/10/2005.

Changes to legislation:

There are currently no known outstanding effects for the Wills Act 1837.