



# Wills Act 1837

## CHAPTER 26

### WILLS ACT 1837

- Meaning of certain Words in this Act ; " Will " " Real Estate " " Personal Estate " Number: Gender.
- II Repeal of the Statutes of Wills, 32 H.8 c.1 and 34 & 35 H.8 c.5.
  - III All Property may be disposed of by Will, comprising Customary Freeholds and Copyholds without Surrender and before Admittance, and also such of them as cannot now be devised ; Estates pur autre vie ; contingent Interests ; Rights of Entry ; and Property acquired after Execution of the Will.
  - IV As to the Fees and Fines payable by Devisees of Customary and Copyhold Estates.
  - V Wills or Extracts of Wills of Customary Freeholds and Copyholds to be entered on the Court Rolls ; and the Lord to be entitled to the same Fine, &c. when such Estates are not now devisable as he would have been from the Heir in case of Descent.
  - VI Estates pur autre vie.
  - VII No Will of a Person under Age valid ;
  - VIII nor of a Feme Covert, except such as might now be made.
  - IX Every Will shall be in Writing, and signed by the Testator in the Presence of Two Witnesses at one Time.
  - X Appointments by Will to be executed like other Wills, and to be valid, although other required Solemnities are not observed.
  - XI Soldiers and Mariners Wills excepted.
  - XII Act not to affect certain Provisions of 11 G.4 & 1 W.4 c.20 with respect to Wills of Petty Officers and Seamen and Marines.
  - XIII Publication not to be requisite.
  - XIV Will not to be void on account of Incompetency of attesting Witness.
  - XV Gifts to an attesting Witness to be void.
  - XVI Creditor attesting to be admitted a Witness.

*Status: This is the original version (as it was originally enacted).*

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- XVII Executor to be admitted a Witness.
- XVIII Will to be revoked by Marriage.
- XIX No Will to be revoked by Presumption.
- XX No Will to be revoked but by another Will or Codicil, or by a Writing executed like a Will, or by Destruction.
- XXI No Alteration in a Will shall have any Effect unless executed as a Will.
- XXII No Will revoked to be revived otherwise than by Re-execution or a Codicil to revive it.
- XXIII A Devise not to be rendered inoperative by any-subsequent Conveyance or Act.
- XXIV A Will shall be construed to speak from the Death of the Testator.
- XXV A Residuary Devise shall include Estates comprised in lapsed and void Devises.
- XXVI A general Devise of the Testator's Lands shall include Copyhold and Leasehold as well as Freehold Lands.
- XXVII A general Gift shall include Estates over which the Testator has a general Power of Appointment.
- XXVIII A Devise without any Words of Limitation shall be construed to pass the Fee.
- XXIX The Words " die without Issue ", or " die without leaving Issue ", shall be construed to mean die without Issue living at the Death.
- XXX No Devise to Trustees or Executors, except for a Term or a Presentation to a Church, shall pass a Chattel Interest.
- XXXI Trustees under an unlimited Devise, where the Trust may endure beyond the Life of a Person beneficially entitled for Life, to take the Fee.
- XXXII Devises of Estates Tail shall not lapse.
- XXXIII Gifts to Children or other Issue who leave Issue living at the Testator's Death shall not lapse.
- XXXIV Act not to extend to Wills made before 1838, nor to Estates pur autre vie of Persons who die before 1838.
- XXXV Act not to extend to Scotland.
- XXXVI Act may be altered this Session.