



**BERMUDA
1835 : 10**

INHERITANCE ACT 1835

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[20 July 1835]

[words of enactment omitted]

Interpretation

- 1 In this Act, unless the context otherwise requires—
- "assurance" means any deed or instrument (other than a will) by which any land is conveyed or transferred at law or in equity.
- "descendants of any ancestor" includes all persons who trace their descent through such ancestor;
- "descent" means the title to inherit land by reason of consanguinity, as well where the heir is an ancestor or collateral relation, as where he is a child or other issue;

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"land" includes—

- (i) messuages and all other hereditaments whether corporeal or incorporeal; and
- (ii) money to be laid out in the purchase of land; and
- (iii) chattels, and other personal property, transmissible to heirs; and
- (iv) any share of the same hereditaments and properties, or any of them; and
- (v) any estate of inheritance, or estate for any life or lives, or other estate transmissible to heirs; and
- (vi) any possibility, right, or title of entry or action, and any other interest capable of being inherited,

whether the same estates, possibilities, rights, titles and interests or any of them, are in possession, reversion, remainder or contingency;

"person last entitled to land" includes the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the rents and profits thereof;

"purchaser" means the person who last acquired the land otherwise than by descent, or than by any escheat, partition or inclosure, by the effect of which the land has become part of or descendible in the same manner as other land acquired by descent;

Tracing of descent

2 In every case descent shall be traced from the purchaser; and to the intent that the pedigree may never be carried further back than the circumstances of the case and the nature of the title may require, the person last entitled to the land shall, for the purposes of this Act, be considered to have been the purchaser thereof, unless it is proved that he inherited the land, in which case the person from whom he inherited the land shall be considered to have been the purchaser, unless it is proved that he inherited the land; and in like manner the last person from whom the land is proved to have been inherited shall in every case be considered to have been the purchaser, unless it is proved that he inherited the land. Devisees of land devised after 1835

3 When any land has been devised by any testator, who shall die after 31 December 1835, to the heir or to the person who is the heir of such testator, then such heir shall be considered to have acquired the land as a devisee and not by descent; and when any land has been limited by any assurance executed after 31 December 1835, to the person or to the heirs of the person who has thereby conveyed the same

land, such person shall be considered to have acquired the land as a purchaser by virtue of such assurance and shall not be considered to be entitled thereto as his former estate or part thereof

Acquisition of land under certain limitations after 1835

4 When any person has acquired any land by purchase under a limitation to the heirs or to the heirs of the body of any of his ancestors contained in an assurance executed after 31 December 1835, or under a limitation to the heirs or to the heirs of the body of any of his ancestors, or under any limitation having the same effect contained in a will of any testator who dies after 31 December 1835, then and in any of such cases such land shall descend and the descent thereof shall be traced as if the ancestor named in such limitation had been the purchaser of such land.

Descent from brother or sister; trace through parent

5 No brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the parent.

Lineal ancestor may be heir to his issue

6 Every lineal ancestor shall be capable of being heir to any of his issue, and in every case where there is no issue of the purchaser, his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit either by tracing his descent through such lineal ancestor, or in consequence of there being no descendant of such lineal ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal ancestor to any of his issue other than a nearer lineal ancestor or his issue.

Precedence of paternal line over maternal line

7 (1) None of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants shall be capable of inheriting until all his paternal ancestors and their descendants have failed.

(2) No female paternal ancestor of such person nor any of her descendants shall be capable of inheriting until all his male paternal ancestors and their descendants have failed, and no female maternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants have failed.

Failure of male paternal ancestors and their descendants

8 Where there is a failure of male paternal ancestors of the person from whom the descent is to be traced, and their descendants, the mother, of his more remote male paternal ancestor, or her descendants,

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shall be the heir or heirs of such person, in preference to the mother of a less remote male paternal ancestor, or her descendants; and where there is a failure of male maternal ancestors of such person, and their descendants, the mother of his more remote male maternal ancestor, and her descendants shall be the heir or heirs of such person in preference to the mother of a less remote male maternal ancestor and her descendants.

Inheritance by relatives by half blood

9 Any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his heir, and the place in which any such relation by the half blood is to stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common ancestor is a male, and next after the common ancestor where such common ancestor is a female; so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

Attainder

10 [omitted]

Descent of person dying before 1836

11 [omitted]

Saving for certain assurances executed before 1836

12 [omitted]

[Amended by:

1952 : 1

1974 : 5]