

think just, either by directing the sum over-rated not to be collected, or if collected and paid to be repaid, or else that such person shall be allowed the sum so over-rated in any future assessment of his property or income.

XII. 'And whereas by reason of the boundary lines of many of the Parishes in the Province not having been run, and it being therefore uncertain in what Parish many lots of land lie;' Be it enacted, That such lands shall in every respect be considered as a part of the Parish in which the occupiers thereof have performed the statute labour on the highways, until the true boundaries are ascertained, and shall be assessed accordingly.

Lands to be considered as parts of the Parish in which the occupiers may have performed Statute Labour.

XIII. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

Limitation.

(Continued to April 1845 - 3rd Dec. 1847)

CAP. VIII.

Amended 2nd Dec. 1837

An Act to authorise the appointment of a Master of the Rolls to the Court of Chancery in this Province, and to provide for such Officer.

Passed 9th March 1838.

WHEREAS it is deemed expedient that a Master of the Rolls should be appointed to the Court of Chancery;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor, and he is hereby fully authorised and empowered immediately after the passing of this Act to appoint, and in case of a vacancy by death, resignation or other cause, to appoint anew, a Master of the Rolls to the Court of Chancery in this Province, who shall hold his office during good behaviour: Provided always, that such person so from time to time appointed shall be a Barrister of at least ten years standing.

Governor authorised to appoint a Master of the Rolls to the Court of Chancery.

II. And be it enacted, That the Master of the Rolls to be appointed under the provisions of this Act, shall have the like powers and authority, in respect to the Court of Chancery in this Province, that the Master of the Rolls in England has in respect to the like Court in that Country, except so far as the same shall or may be altered, enlarged, curtailed or regulated, by any enactment of the Legislature of this Province, at this or any subsequent Session.

Master to have the same powers in this Province as the Master of Rolls in England.

III. And be it enacted, That the Master of the Rolls for the time being, in all cases, except on appeals from his decision and hearings thereon before the Chancellor, shall be and be deemed the responsible adviser and judge of the said Court of Chancery, and shall sign all rules, orders and decrees made by him therein, and the signature of the Chancellor, except in the cases aforesaid, shall not be necessary to the validity of any such rules and orders in any cause, or to any decree made in the absence of the Chancellor from Fredericton: Provided always, that the enrolment of all decrees shall be signed by the Chancellor, to whom the same shall be presented to be signed for enrolment.

To be deemed the responsible adviser and judge except in appeals from his decisions.

Enrolment of decrees to be signed by the Chancellor.

IV. And be it enacted, That there be granted and there is hereby granted to His Excellency the Lieutenant Governor, or person administering the Government for the time being, the sum of eight hundred pounds currency annually, as a salary to the Master of the Rolls in the Court of Chancery in this Province, to commence from the time of the appointment of such Officer.

£800 per annum granted as a salary.

V. And be it further enacted, That such salary shall be paid to such officer when appointed, by quarterly instalments, by Warrant under the hand and seal

To be paid quarterly by Warrant on the Treasury.

seal of His Excellency the Lieutenant Governor, upon the Treasury of the Province, in favor of such officer.

Salary to be in full of all fees.

VI. And be it enacted, That the said salary so to be allowed and paid as aforesaid, shall be in full and in lieu of all fees and emoluments whatsoever as such officer; nor shall it be lawful for such Master of the Rolls hereafter to take and receive any fee or emolument for or in respect of his said situation as Master of the Rolls, or as a Master in Chancery, other than the salary granted by this Act.

Master to be ineligible to a seat in either Council or House of Assembly.

VII. And be it enacted, That the Master of the Rolls shall be deemed ineligible for holding a seat in either of the Councils, or House of Assembly for this Province.

CAP. IX.

An Act for the amendment of the Law with respect to Wills.

Passed 9th March 1838.

Preamble.

1 Vict. C. 26.

32 H. 8 C. 1.

34 & 35 H. 8. C. 5.

25 G. 2, C. 6.

26 G. 3, C. 11.

26 G. 3, C. 14.

32 H. 8, C. 1.

34 & 35 H. 8, C. 5.

25 G. 2, C. 6.
repealed.

WHEREAS in and by a certain Act of the Imperial Parliament passed in the first year of the reign of Her present Majesty Queen Victoria, intituled "An Act for the amendment of the Law with respect to Wills," three several Acts of the Imperial Parliament, the one passed in the thirty second year of the reign of King Henry the Eighth, intituled "The Act of Wills, Wards and Primer Seisins, whereby a man may devise two parts of his land," another an Act passed in the thirty fourth and thirty fifth years of the reign of the said King Henry the Eighth, intituled "The Bill concerning the explanation of Wills," and the other an Act passed in the twenty fifth year of the reign of King George the Second, intituled "An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of Wills and Codicils concerning real estates in that part of Great Britain called England, and in His Majesty's Colonies and Plantations in America," were repealed: And whereas the said statutes so repealed in England have extended to or hitherto been considered in force and acted upon in this Province, and it is deemed expedient that the operation of the same should also cease in this Province, and also that so much of two several Acts of Assembly of this Province passed in the twenty sixth year of the reign of King George the Third, the one intituled "An Act relating to Wills, Legacies, Executors and Administrators, and for the further settlement and distribution of the estates of intestates," the other intituled "An Act for the prevention of frauds and perjuries," as relates to devises or bequests of lands or tenements, or to the revocation or alteration of any devise in writing of any lands, tenements or hereditaments, or any clause thereof, or to the devise of any estate *pur autre vie*, or to any such estate being assets, or to nuncupative Wills, or to the repeal, altering or changing of any Will in writing concerning any goods or chattels, or personal estate, or any clause, devise or bequest therein, should also be repealed, and that an Act of Assembly should be passed for the amendment of the Law in respect to Wills, containing similar provisions, so far as applicable to this Province, as the said Act of the Imperial Parliament in that respect;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said two recited Acts of the Parliament of England passed in the reign of King Henry the Eighth, and also the said recited Act of the Parliament of Great Britain passed in the twenty fifth year of the reign of King George the Second, be and the same are hereby declared to be repealed, and of no force

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