

*Passed 12th April 1861.*

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. Every Executor or Administrator who shall not file an Inventory of the Estate which he represents, or an account of his administration within the time allowed by law for that purpose, shall, after being required so to do by the Judge of Probates, file such Inventory or Account within such time as the Judge may appoint; and for every neglect, whensoever made, shall be liable to pay the costs of such proceeding, to be taxed and recovered as in other cases.

2. Whenever any testimony shall be taken before a Judge of Probates, the same need not be entered in a book, but shall be filed with the other papers in the case.

3. When all the Witnesses to any Will are dead, or some are dead and the others reside out of the Province, or the whole do so reside, the Judge of Probates may grant Probate of such Will on proof of the hand writing of the Witnesses and Testator, together with the fact of the deaths and non-residence aforesaid, to the satisfaction of the Judge, unless the Will be required to be proved in solemn form; in which case, and also if the Judge be satisfied there is just reason to believe the Will was procured by fraud, or the Testator was under any legal incapacity in making the same, a Commission may be ordered by the Judge, directed to one or more persons, to take the testimony of the Witnesses to the Will, with such other testimony as may be necessary, in such manner and under such direction as respects the expenses thereof, as may be mentioned in the said Commission.

4. If all the Witnesses to any Will reside out of the County, where by law the Will must be proved, but within this Province, and none of them can attend to prove the same from age, infirmity, sickness, or other good cause, a Commission may issue in the manner before mentioned, with the same powers, to any other part of the Province, to take the proof of the due execution of the said Will.

5. Every licence for the sale of real estate issued by any Judge of Probates, or a copy thereof, certified by the Registrar of Probates to be a true copy, and acknowledged or proved as in cases of conveyances, shall be registered in the Office of