

No. 41.

## GOVERNMENT NOTIFICATION.

The following Sections of the Act, 20 and 21 *Victoria*, Chapter 77, intituled—*An Act to amend the Law relating to Probates and Letters of Administration in England*, as extended to this Colony by Ordinance No. 5 of 1858, are hereby published for general information.

By Order,

W. T. BRIDGES,  
Acting Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 30th April, 1858.

Interpretation of  
Terms.

II. In the Construction of this Act, unless the Context be inconsistent with the Meaning hereby assigned—

“Will” shall comprehend “Testament” and all other Testamentary Instruments of which Probate may now be granted :

“Administration” shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, and whether granted for general, special, or limited Purposes :

“Matters and Causes Testamentary” shall comprehend all Matters and causes relating to the Grant and Revocation of Probate of Wills or of Administration :

“Common Form Business” shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court of Probate in contentious Cases when the Contest is terminated, and all business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration.

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

III. The voluntary and contentious Jurisdiction and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in *England*, now having Jurisdiction or Authority to grant or revoke Probate of Wills or Letters of Administration of the Effects of deceased Persons, shall in respect of such Matters absolutely cease ; and no Jurisdiction or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant or Revocation of Probate or Administration, shall belong to or be exercised by any such Court or Person.

Testamentary Jurisdiction to be exercised by a Court of Probate.

IV. The voluntary and contentious Jurisdiction and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in *England*, together with full Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall, except as herein-after is mentioned, be exercised in the Name of Her Majesty in a Court to be called the Court of Probate, and to hold its ordinary Sittings and to have its Principal Registry at such Place or Places in *London* or *Middlesex* as Her Majesty in Council shall from Time to Time appoint.

Officers of the Court to execute their Offices in Person.

Registrars, &amp;c., not to act as Proctors, &amp;c.

XXI. All Registrars, District Registrars, Officers, and Clerks of the Court of Probate shall execute their respective Offices in Person, and not by Deputy ; and no Registrar of the Principal Registry of the Court, nor any Officer or Clerk in the Principal Registry thereof, shall during the Time of his holding such Office directly or indirectly practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or receive or participate in the Fees of any other Person so practising.

Power to Judge to cause Seals of the Court to be provided.

XXII. The Judge shall cause to be made Seals for the Court of Probate, that is to say, One Seal to be used in its Principal Registry, and separate Seals to be used in the several District Registries, and may cause the same respectively from Time to Time to be broken, altered, and renewed at his Discretion ; and all Probates, Letters of Administration, Orders, and other Instruments, and Exemplifications and Copies thereof, respectively, purporting to be sealed with any Seal of the Court of Probate, shall in all Parts of the United Kingdom be received in Evidence without further Proof thereof.

The Court to have throughout all England the same Powers as the Prerogative Court within the Province of Canterbury.

XXIII. The Court of Probate shall be a Court of Record, and such Court shall have the same Powers, and its Grants and Orders shall have the same Effect, throughout all *England*, and in relation to the Personal Estate in all Parts of *England*, of deceased Persons, as the Prerogative Court of the Archbishop of *Canterbury* and its Grants and Orders respectively now have in the Province of *Canterbury*, or in the Parts of such Province within its Jurisdiction, and in relation to those Matters and Causes Testamentary and those Effects of deceased Persons which are within the Jurisdiction of the said Prerogative Court ; and all Duties which, by Statute or otherwise, are imposed on or should be performed by Ordinaries generally, or on or by the said Prerogative Court, in respect of Probates, Administrations, or Matters or Causes Testamentary within their respective Jurisdiction, shall be performed by the Court of Probate : Provided that no Suits for Legacies, or Suits for the Distribution of Residues, shall be entertained by the Court, or by any Court or Person whose Jurisdiction as to Matters and Causes Testamentary is hereby abolished.

Suits for Legacies or Distribution not to be entertained.

Power to examine Witnesses.

XXIV. The Court of Probate may require the Attendance of any Party in Person, or of any Person whom it may think fit to examine or cause to be examined in any Suit or other Proceeding in respect of Matters of Causes Testamentary, and may examine or cause to be examined upon Oath or Affirmation, as the Case may require, Parties and Witnesses by Word of Mouth, and may, either before or after or with or without such Examination, cause them or any of them to be examined on Interrogatories, or receive their or any of their Affidavits or solemn Affirmations, as the Case may be ; and the Court may by Writ require such Attendance, and order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in the same Form, or nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by any of Her Majesty's Superior Courts of Law at *Westminster* ; and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding One hundred Pounds.

As to Production of Deeds, &amp;c.

Powers of the Court to enforce Orders.

XXV. The Court of Probate shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons required by it as aforesaid, and for punishing Persons failing, neglecting or refusing to produce Deeds, Evidences, or Writings, or refusing to appear or to be sworn, or make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders, Decrees, and Judgments made or given by the Court under this Act, and otherwise in relation to the Matters to be inquired into and done by or under the Orders of the Court under this Act, as are by Law vested in the High Court of Chancery for such Purposes in relation to any Suit or Matter depending in such Court.

Order to produce any Instrument purporting to be Testamentary.

XXVI. The Court of Probate may, on Motion or Petition, or otherwise, in a summary Way, whether any Suit or other Proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Principal or any District Registry, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person ; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for believing that he has the Knowledge of any such Paper or Writing,

ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Court in case of Default in not attending or in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

XXVII. The Registrars and District Registrars shall respectively have full Power to administer Oaths and all Persons who at the Commencement of this Act shall be acting as Surrogates of any Ecclesiastical Court, and any other Persons whom the Judge shall, under the Seal of the Court, from Time to Time appoint, shall respectively have full Power to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Judge and Orders under this Act; and the Persons so appointed shall be styled "Commissioners of Her Majesty's Court of Probate." Provided, that any Party required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness or desiring to make an Affidavit or Deposition shall be permitted so to do under the Common Law Procedure Act, 1854, in Cases within the Provisions of that Act; and any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or depose falsely in any Affidavit or Deposition before the Court of Probate, or before any Registrar, District Registrar, or Commissioner of the Court, shall be liable to the Penalties and Consequences of perjury and corrupt Perjury.

Registrars, &c., to have Power to administer Oaths.  
Power to appoint, also, Commissioners to administer Oaths, &c.

XXVIII. If any Person forge the Signature of any Registrar, District Registrar, or Commissioner in taking Oaths, or forge or counterfeit any Seal of the Court of Probate, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence any Document with a false or counterfeit Signature of such Registrar, District Registrar, or Commissioner, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life or any Term not less than Seven Years, or to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Penalty on forging or counterfeiting Seals or Signatures of Officers.

XXIX. The Practice of the Court of Probate shall, except where otherwise provided by this Act, or by the Rules or Orders to be from Time to Time made under this Act, be, so far as the Circumstances of the Case will admit, according to the present Practice in the Prerogative Court.

Practice of the Court.

XXX. And to the Intent and End that the Procedure and Practice of the Court may be of the most simple and expeditious Character, it shall be lawful for the Lord Chancellor, at any Time after the passing of this Act, with the Advice and Assistance of the Lord Chief Justice of the Court of Queen's Bench, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in that Behalf, or of the Judge of the said Prerogative Court, to make Rules and Orders, to take effect when this Act shall come into operation, for regulating the Procedure and Practice of the Court, and the Duties of the Registrars, District Registrars, and other Officers thereof, and for determining what shall be deemed contentious and what shall be deemed non-contentious Business, and, subject to the express Provisions of this Act, for fixing and regulating the Time and Manner of appealing from the Decisions of the said Court, and generally for carrying the Provisions of this Act into effect; and after the Time when this Act shall come into operation it shall be lawful for the Judge of the Court of Probate from Time to Time, with the Concurrence of the Lord Chancellor and the said Lord Chief Justice, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in this Behalf, to repeal, amend, add to, or alter any such Rules and Orders as to him, with such Concurrence as aforesaid, may seem fit.

Rules and Orders to be made for regulating the Procedure of the Court.

XXXI. Subject to the Regulations to be established by such Rules and Orders as aforesaid, the Witnesses, and where necessary the Parties, in all contentious Matters where their Attendance can be had, shall be examined orally by or before the Judge in open Court: Provided always, that, subject to any such Regulations as aforesaid, the Parties shall be at liberty to verify their respective Cases, in whole or in part, by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party, be subject to be cross-examined by or on behalf of such opposite Party orally in open Court as aforesaid, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

Mode of taking Evidence in contentious Matters.

XXXII. Provided, That where a Witness in any such Matter is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court, to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at *Westminster* by the Acts of the Thirteenth Year of King *George the Third*, Chapter Sixty-three, and of the First Year of King *William the Fourth*, Chapter Twenty-two, for enabling the Courts of Law at *Westminster* to issue Commissions and give Orders for the examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination, and the Witnesses examined, shall extend and be applicable to the said Court of Probate and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at *Westminster*, and the Matter before it were an Action depending in such Court.

Court may issue Commissions or give Orders for Examination of Witnesses abroad, or who are unable to attend.

XXXIII. The Rules of Evidence observed in the Superior Courts of Common Law at *Westminster* shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Probate.

Rules of Evidence in Common Law Courts to be observed.

XXXIV. It shall be lawful for the Judge of the Court of Probate to sit, with the Assistance of any Judge or Judges of any of the Superior Courts of Law at *Westminster*, who, upon the Request of the Judge of the Court of Probate, may find it convenient to attend for that Purpose.

Common Law Judges may sit, on Request of Judge of Court.

XXXV. It shall be lawful for the Court of Probate to cause any Question of Fact arising in any Suit or Proceeding under this Act to be tried by a Special or Common Jury before the Court itself, or by means of an Issue to be directed to any of the Superior Courts of Common Law, in the same Manner as such Issue may now be directed by the Court of Chancery, and such Question shall be so tried by a Jury in any Case where an Heir-at-Law, cited or otherwise made Party to the Suit or Proceeding, makes Application to the Court of Probate for that Purpose; and in any other Case where all the Parties to the Suit or Proceeding concur in such an Application, and where any Party or Parties other than such Heir-at-Law make a like Application (the other Party or Parties not concurring therein), and the Court shall refuse to cause such Questions to be tried by a Jury, such Refusal of the Court shall be subject to Appeal as herein provided.

Court may cause Questions of Fact to be tried by a Jury before itself, or direct an Issue to a Court of Law.

XXXVI. When the Court shall order a Question of Fact to be tried before itself by a Jury, the Court may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at *Westminster*, and may also make any other Orders which to such Court may seem requisite; and every such Jury shall consist of Persons possessing the Qualifications, and shall be struck, summoned, balloted for, and called in like Manner as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights, and subject to the same Duties and Liabilities, as if he had been duly summoned for

Powers of the Court for the Trial of Questions by a Jury.

the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials thereof, and also for all Purposes in relation to or consequential upon the Direction of Issues, the Court of Probate shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, or to the High Court of Chancery, or any Judge thereof, for the like Purposes.

Question to be stated, and Jury sworn to try it.

Court, on Trial, to have the same Authority as a Judge at Nisi Prius.

Court may direct where Issues shall be tried.

XXXVII. When any such Question shall be so ordered to be tried by a Jury before the Court itself such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Probate shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

XXXVIII. Where the Court of Probate directs an Issue, it shall be lawful for such Court to direct such Issue to be tried either before a Judge of Assize in any County or at theittings for the Trial of Causes in *London* or *Middlesex*, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

Advocates admitted to practice.

Barristers may practise in contentious Causes.

XL. All Persons who at the Time of the passing of this Act have been admitted Advocates in any of the Ecclesiastical Courts shall be entitled to practise as Advocates or Counsel in all Matters and Causes whatsoever in the Court of Probate; and all Serjeants and Barristers-at-Law shall be entitled to practise as Advocates or Counsel in all contentious Matters and Causes in the said Court; and such Persons who have been so admitted Advocates and Serjeants and Barristers-at-Law shall have respectively the same Rank and Precedence which they now have before the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order.

Proctors admitted to practise.

XLII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor in the Courts in *Doctors Commons*, or in the Prerogative Court of *York*, or in any Diocesan Court, or in any Archidiaconal Court, having previously duly served under Articles of Clerkship either as an Attorney or Proctor, may, upon his Application, at any Time within One Year after the passing of this Act, be admitted a Proctor of the Court of Probate, without Payment of any Fee or Stamp Duty.

Practitioners.

XLV. All Solicitors and Attornies-at-Law may practise in the Court of Probate, and the Laws and Statutes now in force concerning Solicitors and Attornies shall extend to Solicitors and Attornies practising in the said Court; and the Commissioners for taking Oaths in the High Court of Chancery shall be Commissioners for taking Oaths in the Court of Probate.

As to Caveats.

LIII. Caveats against the Grant of Probates or Administration may be lodged in the Principal Registry or in any District Registry, and (subject to any Rules or Orders under this Act) the Practice and Procedure under such Caveats in the Court of Probate shall, as near as may be, correspond with the Practice and Procedure under Caveats now in use in the Prerogative Court of *Canterbury*; and immediately upon a Caveat being lodged in any District Registry, the District Registrar shall send a Copy thereof to the Registrars to be entered among the Caveats in the Principal Registry; and immediately upon a Caveat being entered in the Principal Registry, Notice thereof shall be given to the District Registrar of the District, if any, in which it is alleged the Deceased resided at the Time of his Decease, and to any other District Registrar to whom it may appear to the Registrar of the Principal Registry expedient to transmit the same.

Where Personalty is under £200, and Real Property is under £300, County Court to have Jurisdiction.

LIV. Where it shall appear by Affidavit of the Person or some or One of the Persons applying for Probate or Letters of Administration that the Testator or Intestate had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to this Act, and that the Personal Estate in respect of which such Probate or Letters of Administration should be granted under this Act, exclusive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of Two Hundred Pounds, and that the Deceased at the Time of his Death was not seized or entitled beneficially of or to any Real Estate, or that the Value of the Real Estate of or to which he was seized or entitled beneficially at the Time of his Death was under the Value of Three Hundred Pounds, the Judge of the County Court having Jurisdiction in the Place in which it shall be sworn that the Deceased had at the Time of his Death his fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person, in case there be any Contention in relation thereto.

Registrar of County Court to transmit Certificate of Decree for Grant or Revocation of Probate.

LV. On a Decree being made by a Judge of a County Court for the Grant or Revocation of a Probate or Administration in any such Cause, the Registrar of the County Court shall transmit to the District Registrar of the District in which it shall have been sworn that the Deceased had at the Time of his Decease his fixed Place of Abode a Certificate under the Seal of the County Court of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from such District Registry; or, as the Case may require, the Probate or Letters of Administration theretofore granted shall be recalled or varied by the District Registrar according to the Effect of such Decree.

The Judge of the County Court to decide Causes and enforce Judgments as in other Cases.

LVI. The Judge of any County Court before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same and enforce Judgment therein, and to enforce Orders in relation thereto, as if the same had been an ordinary Action in the County Court.

Affidavit of the Facts giving the County Court Jurisdiction to be conclusive, unless disproved while the Matter is pending.

LVII. The Affidavit as to the Place of Abode and State of the Property of a Testator or Intestate which is to give contentious Jurisdiction to the Judge of a County Court under the previous Provisions shall, except as herein-after provided, be conclusive for the Purpose of authorizing the Exercise of such Jurisdiction, and the Grant or Revocation of Probate or Administration in compliance with the Decree of such Judge; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the Jurisdiction of such Judge or within any of the said Districts at the Time of his Death, or by reason that the Personal Estate sworn to be under the Value of Two hundred Pounds did in fact amount to or exceed that Value, or that the Value of the Real Estate of or to which the Deceased was seized or entitled beneficially at the Time of his Death amounted to or exceeded Three hundred Pounds: Provided, that where it shall be shown to the Judge of a County Court before whom any Matter is pending under this Act that the Place of Abode or State of the Property of the Testator or Intestate in respect of whose Will or Estate he may have been applied to for Grant or Revocation of Probate or Administration has not been correctly stated in the Affidavit, and if correctly stated would not have authorized him to exercise such contentious Jurisdiction, he shall stay all further Proceedings in his Court in the Matter, leaving any Party to apply to the Court of Probate for such Grant or Revocation, and making such Order as to the Costs of the Proceedings before him as he may think just.

LVIII. Any Party who shall be dissatisfied with the Determination of the Judge of the County Court in point of Law, or upon the Admission or Rejection of any Evidence in any Matter or Cause under this Act, may appeal from the same to the Court of Probate, in such Manner and subject to such Regulations as may be provided by the Rules and Orders to be made under this Act, and the Decision of the Court of Probate on such Appeal shall be final.

As to Appeals from County Court.

LIX. It shall not be obligatory on any Person to apply for Probate or Administration to any District Registry, or through any County Court, but in every Case such Application may be made through the Principal Registry of the Court of Probate, wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode: Provided, that where in any contentious Matter arising out of any such Application it is shown to the Court of Probate that the State of the Property and Place of Abode of the Deceased were such as to give contentious Jurisdiction to the Judge of a County Court, the Court of Probate may send the Cause to such County Court, and the Judge thereof shall proceed therein as if such Application and Cause had been made to and arisen in his Court in the first instance.

Not obligatory to apply for Probate, &c., to District Registries or County Court, but may in every Case be made to Court of Probate.

LX. For regulating the Procedure and Practice of the County Courts, and the Judges, Registrars, and Officers thereof, in relation to their Jurisdiction and Proceedings under this Act, Rules and Orders may be from Time to Time framed, amended, and certified by the County Court Judges appointed for the Time being to frame Rules and Orders for regulating the Practice of the County Courts under the Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter One Hundred and Eight, and shall be subject to be allowed or disallowed or altered, and shall be in force from the Day named for that Purpose by the Lord Chancellor, as in the said Act is provided in relation to other Rules and Orders regulating the Practice of the same Courts; and for establishing Rules and Orders to be in force when this Act comes into operation, the Power given by this Enactment shall be exercised as soon as conveniently may be after the passing of this Act.

Rules and Orders for regulating the Procedure of County Courts under the Act to be made by the Judges now having Authority for the like Purpose.

LXI. When Proceedings are taken under this Act for proving a Will in solemn Form, or for revoking the Probate of a Will, on the Ground of the Invalidity thereof, or where in any other contentious Cause or Matter under this Act the Validity of a Will is disputed, unless in the several Cases aforesaid the Will affects only Personal Estate, the Heir-at-Law, Devisees and other Persons having or pretending Interest in the Real Estate affected by the Will shall, subject to the Provisions of this Act, and to the Rules and Orders under this Act, be cited to see Proceedings, or otherwise summoned in like Manner as the Next of Kin or others having or pretending Interest in the Personal Estate affected by a Will should be cited or summoned, and may be permitted to become Parties, or intervene for their respective Interests in such Real Estate, subject to such Rules and Orders, and to the Discretion of the Court.

Where a Will affecting Real Estate is proved in solemn Form, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited.

LXII. Where Probate of such Will is granted after such Proof in solemn Form, or where the Validity of the Will is otherwise declared by the Decree or Order in such contentious Cause or Matter as aforesaid, the Probate, Decree or Order respectively shall enure for the Benefit of all Persons interested in the Real Estate affected by such Will, and the Probate Copy of such Will, or the Letters of Administration with such Will annexed, or a Copy thereof respectively, stamped with the Seal of Her Majesty's Court of Probate, shall in all Courts, and in all Suits and Proceedings affecting Real Estate, of whatever Tenure, (save Proceedings by way of Appeal under this Act, or for the Revocation of such Probate or Administration,) be received as conclusive Evidence of the Validity and Contents of such Will, in like Manner as a Probate is received in Evidence in Matters relating to the Personal Estate; and where Probate is refused or revoked, on the Ground of the Invalidity of the Will, or the Invalidity of the Will is otherwise declared by Decree or Order under this Act, such Decree or Order shall enure for the Benefit of the Heir-at-Law or other Persons against whose Interest in Real Estate such Will might operate, and such Will shall not be received in Evidence in any Suit or Proceeding in relation to Real Estate, save in any Proceeding by way of Appeal from such Decrees or Orders.

Where the Will is proved in solemn Form, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate.

LXIII. Nothing herein contained shall make it necessary to cite the Heir-at-Law or other Persons having or pretending Interest in the Real Estate of a deceased Person, unless it is shown to the Court and the Court is satisfied that the Deceased was at the Time of his Decease seized of or entitled to or had Power to appoint by Will some Real Estate beneficially, or in any Case where the Will propounded or of which the Validity is in question would not in the Opinion of the Court, though established as to Personality, affect Real Estate, but in every such Case, and in any other Case in which the Court may, with reference to the Circumstances of the Property of the Deceased or otherwise, think fit, the Court may proceed without citing the Heir or other Persons interested in Real Estate; provided that the Probate, Decree, or Order of the Court shall not in any Case affect the Heir or any Person in respect of his Interest in Real Estate, unless such Heir or Persons has been cited or made Party to the Proceedings, or derives Title under or through a Person so cited or made Party.

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

LXIV. In any Action at Law or Suit in Equity, where, according to the existing Law, it would be necessary to produce and prove an original Will in order to establish a Devise or other Testamentary Disposition of or affecting Real Estate, it shall be lawful for the Party intending to establish in Proof such Devise, or other Testamentary Disposition to give to the opposite Party, Ten Days at least before the Trial or other Proceeding in which the said Proof shall be intended to be adduced, Notice that he intends at the said Trial or other Proceeding to give in Evidence as Proof of the Devise or other Testamentary Disposition the Probate of the said Will or the Letters of Administration with the Will annexed, or a Copy thereof stamped with any Seal of the Court of Probate; and in every such Case such Probate or Letters of Administration, or Copy thereof respectively, stamped as aforesaid, shall be sufficient Evidence of such Will and of its Validity and Contents, notwithstanding the same may not have been proved in solemn Form, or have been otherwise declared valid in a contentious Cause or Matter, as herein provided, unless the Party receiving such Notice shall, within Four Days after such Receipt, give Notice that he disputes the Validity of such Devise or other Testamentary Disposition.

Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.

LXV. In every Case in which, in any such Action or Suit, the original Will shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

As to Costs of Proof of Will.

LXVI. There shall be One Place of Deposit under the Control of the Court of Probates, at such Place in London or Middlesex as Her Majesty may by Order in Council direct, in which all the original Wills brought into the Court or of which Probate or Administration with the Will annexed is granted under this Act in the Principal Registry thereof, and Copies of all Wills, the Originals whereof are to be preserved in the District Registries, and such other Documents as the Court may direct, shall be deposited and preserved, and may be inspected under the Control of the Court and subject to the Rules and Orders under this Act.

Place of Deposit of original Wills.

LXVII. The Judge shall cause to be made from Time to Time in the Principal Registry of the Court of Probate, Calendars of the Grants of Probate and Administration in the Principal Registry, and in the several District Registries of the Court, for such Periods as the Judge may think fit, each such Calendar to contain a Note of every Probate or Administration with the Will annexed granted within the Period therein specified, and also a Note of every other Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Registry in which the Grants were made, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects; and the Calendars to be so made shall be printed as the same are from Time to Time completed.

Judge to cause Calendars to be made from Time to Time in the Principal Registry, and to be printed.

Registrar to transmit printed Copies to certain Offices.

LXVIII. The Registrars shall cause a printed Copy of every Calendar to be transmitted through the Post or otherwise to each of the District Registries, and to the Office of Her Majesty's Prerogative in *Dublin*, the Office of the Commissary of the County of *Midlothian* in *Edinburgh*, and such other Offices, if any, as the Court of Probate shall from Time to Time by Rule or Order direct; and every printed Copy of a Calendar so transmitted as aforesaid shall be kept in the Registry or Office to which it is transmitted, and may be inspected by any Person on Payment of a Fee of One Shilling for each Search, without reference to the Number of Calendars inspected.

Official Copy of whole or Part of Will may be obtained.

LXIX. An official Copy of the whole or any Part of a Will, or on official Certificate of the Grant of any Letters of Administration, may be obtained from the Registry or District Registry where the Will has been proved or the Administration granted, on the Payment of such Fees as shall be fixed for the same by the Rules and Orders under this Act.

Administrations pendente lite.

LXX. Pending any Suit touching the Validity of the Will of any deceased Person, or for obtaining, recalling, or revoking any Probate or any Grant of Administration, the Court of Probate may appoint an Administrator of the Personal Estate of such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a General Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Receiver of Real Estate pendente lite.

LXXI. It shall be lawful for the Court of Probate to appoint any Administrator appointed as aforesaid or any other Person to be Receiver of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person by which his Real Estate may be affected, and such Receiver shall have such Power to receive all Rents and Profits of such Real Estate, and such Powers of letting and managing such Real Estate, as the Court may direct.

Remuneration to Administrators pendente lite and Receivers.

LXXII. The Court of Probate may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal and Real Estate of the Deceased such reasonable Remuneration as the Court think fit.

Power as to Appointment of Administrator.

LXXIII. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of *Great Britain* and *Ireland*, and it shall appear to the Court to be necessary or convenient in any such Case, by reason of the Insolvency of the Estate of the Deceased, or other special Circumstances, to appoint some Person to be the Administrator of the Personal Estate of the Deceased, or of any Part of such Personal Estate, other than the Person who if this Act had not been passed would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator upon his giving such Security (if any) as the Court shall direct, and every such Administration may be limited as the Court shall think fit.

38 G. 3. c. 87, extended to Administrators.

LXXIV. The Provisions of an Act passed in the Thirty-eighth Year of His late Majesty King *George* the Third, Chapter Eighty-seven, shall apply (in like Manner) to all Cases where Letters of Administration have been granted, and the Person to whom such Administration shall have been granted shall be out of the Jurisdiction of Her Majesty's Courts of Law and Equity.

After Grant of Administration, no Person to have Power to sue as an Executor.

LXXV. After any Grant of Administration, no Person shall have Power to sue or prosecute any Suit, or otherwise act as Executor of the Deceased, as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

Revocation of temporary Grants not to prejudice Actions or Suits.

LXXVI. Where before the Revocation of any temporary Administration any Proceedings at Law or in Equity have been commenced by or against any Administrator so appointed, the Court in which such Proceedings are pending may order that a Suggestion be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made consequent thereupon, and that the Proceedings shall be continued in the Name of the new Executor or Administrator, in like Manner as if the Proceeding had been originally commenced by or against such new Executor or Administrator, but subject to such Conditions and Variations, if any, as such Court may direct.

Payments under revoked Probates or Administration to be valid.

LXXVII. Where any Probate or Administration is revoked under this Act, all Payments *bonâ fide* made to any Executor or Administrator under such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator who shall have acted under any such revoked Probate or Administration may retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted might have lawfully made.

Persons, &c., making Payment upon Probates granted for Estate of deceased Person to be indemnified.

LXXVIII. All Persons and Corporations making or permitting to be made any Payment or Transfer *bonâ fide*, upon any Probate or Letters of Administration granted in respect of the Estate of any deceased Person under the Authority of this Act, shall be indemnified and protected in so doing, notwithstanding any Defect or Circumstance whatsoever affecting the Validity of such Probate or Letters of Administration.

Rights of an Executor renouncing Probate to cease as if he had not been named in the Will.

LXXIX. Where any Person, after the Commencement of this Act, renounces Probate of the Will of which he is appointed Executor or One of the Executors, the Rights of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Sureties to Administration Bonds.

LXXX. So much of an Act passed in the Twenty-first Year of King *Henry* the Eighth, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of King *Charles* the Second, Chapter Ten, and of an Act passed in the First Year of King *James* the Second, Chapter Seventeen, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be repealed.

Persons to whom Grant of Administrations shall be committed shall give Bond.

LXXXI. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court of Probate to enure for the Benefit of the Judge for the Time being, and, if the Court of Probate or (in the Case of a Grant from the District Registry) the District Registrar shall require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any general or special Order direct: Provided that it shall not be necessary for the Solicitor for the Affairs of the Treasury or the Solicitor of the Duchy of *Lancaster* applying for or obtaining Administration to the Use or Benefit of Her Majesty to give any such Bond as aforesaid.

Penalty on Bond.

LXXXII. Such Bond shall be in a Penalty of double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court or District Registrar, as the Case may be, shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court or District Registrar so to do, and the Court or District Registrar may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court or District Registrar shall think reasonable.

LXXXIII. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order, and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested the full Amount recoverable in respect of a Breach of the Condition of the said Bond.

Power of Court to assign Bond.

LXXXIV. All Suits whether original or by way of Appeal, which at the Commencement of this Act shall be pending in any Court in *England* respecting any Grant of Probate or Administration, shall be transferred, with all the Proceedings therein, to the Court of Probate, there to be dealt with and determined according to the Rules and Practice of the said Court, except so far as such Court may think expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Probate shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred; but this Enactment shall not apply to Proceedings by way of Appeal pending before Her Majesty in Council, which Proceedings shall be carried on and prosecuted in the same manner in all respects as if this Act had not passed; and every Person who if this Act had not passed might have appealed to Her Majesty in Council against any Proceeding, Decree, or Sentence of any Court, or against the Grant of any Probate or Administration, may, notwithstanding this Act, appeal to Her Majesty in Council against such Proceeding, Decree, or Sentence: Provided also, that Her Majesty in Council may remit to the Court of Probate any Cause or Proceeding pending by way of Appeal as aforesaid, or to be brought before Her Majesty in Council upon Appeal as aforesaid, with such Directions as the Justice of the Case may require.

Pending Suits transferred to Court of Probate.

Not to apply to Appeals pending before Her Majesty in Council.

LXXXV. Provided, That if at the Commencement of this Act any Cause which would be transferred to the Court of Probate under the Enactment herein-before contained shall have been heard before any Judge having Jurisdiction in relation to such Cause before the Commencement of this Act, and shall be ready for Judgment, such Judge may, at any Time within Six Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Probate on the Day on which the same shall so be delivered to the Registrar, and shall be subject to Appeal under this Act.

Power to Judges whose Jurisdiction is determined, to deliver written Judgments.

LXXXVI. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were granted had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided, that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall before the Commencement of this Act have been revoked or determined by any Court of competent Jurisdiction to have been void; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate or Administration shall be in question: If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

Void and voidable Probates and Administrations.

LXXXVII. Legal Grants of Probate and Administration made before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act, but in every such Case there shall be due and payable to Her Majesty such further Stamp Duty, if any, as would have been chargeable on any Probate or Administration which but for this Act would or ought to have been obtained in respect of the Personal Estate not covered by the Grant; and all Inventories and Accounts in respect thereof shall be returnable to the Court of Chancery, and all Bonds taken in respect thereof may be enforced by or under the Authority of the Court of Chancery, at the Discretion of the Court.

Probates and Administrations granted before this Act comes in to operation.

LXXXVIII. Provided that where any Probate or Administration has been granted before the Commencement of this Act, and the Deceased had Personal Estate in *England* not within the Limits of the Jurisdiction of the Court by which the Probate or Administration was granted, or otherwise not within the Operation of the Grant, it shall be lawful for the Court of Probate to grant Probate or Administration only in respect of such Personal Estate not covered by any former Probate or Administration, and such Grant may be limited accordingly.

Probate or Administration may be granted of Personal Estate not affected by the former Grants.

LXXXIX. The Acting Judge and Registrar of every Court, and other Person now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate, from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry of each District or in the Principal Registry, as the Case may require, so as to be easy of Reference, under the Control and Direction of the Court.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c., to the Registry.

XC. No Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be entitled to any Compensation under this Act, and every Judge, Registrar, or other Person so refusing or neglecting shall be liable to a Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts, by the Registrars.

Penalty for Default.

XCI. One or more safe and convenient Depository or Depositories shall be provided, under the Control and Directions of the Court of Probate, for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may deposit their Wills in such Depository upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

As to Depositories for safe Custody of the Wills of living Persons.

XCIV. Whereas by an Act passed in the Fifty-third Year of King *George the Third*, Chapter One hundred and twenty-seven, it is enacted, that if any Proctor of any Ecclesiastical Court shall act as such, or permit his Name to be used in any Suit appertaining to the Office of a Proctor, or in obtaining Probates of Wills or Letters of Administration, for or on account or for the Profit or Benefit of any Person not entitled to act as a Proctor, or shall permit any such Person to participate in such Profit or Benefit, such Proctor shall be subject to certain Penalties therein mentioned; and it is also therein further enacted;

Sections 8 and 9 of 53 G. 3. c. 127, repealed in part as to the Court of Probate.

that if any Person shall, in his own Name, or in that of any other Person, do or perform any Act whatever belonging to the Office of a Proctor in consideration of any Gain, Fee, or Reward, or with a view to participate in the Benefit to be derived from the Office, Functions, or Practice of a Proctor, without being admitted and enrolled, every such Person shall be subject to certain other Penalties therein mentioned: Be it enacted, Nothing in the said Act contained shall prevent any Proctor of the Court of Probate from acting as Agent of any Attorney or Solicitor in relation to any Matter Testamentary, or from allowing him to participate in the Profits of and incident thereto.

Fees to be taken by Officers of Court and by Officers of County Courts.

XCV. The Lord Chancellor, with such Assistance as is hereinbefore provided as to Rules and Orders to be made in pursuance of this Act, shall, as soon as conveniently may be after the passing of this Act, fix a Table or Tables of Fees to be taken by the Officers of the Court of Probate, and the Proctors, Solicitors, and Attornies practising therein, including the District Registrars, and the Proctors, Solicitors, and Attornies practising in District Registries, and of Fees to be taken by the Officers of the County Courts, in respect of Business under this Act, and of Fees to be payable in respect of Searches, Inspection, and Printed and other Copies of and Extracts from Records, Wills, and other Documents in the Custody or under the Control of the Court of Probate, and the Judge of the Court of Probate, with such Concurrence as is herein-before provided in respect of the Amendment of Rules and Orders, is hereby empowered, from Time to Time after this Act shall come into operation, to add to, reduce, alter, or amend such Table or Tables of Fees, as he may see fit: Provided that such Tables of Fees and every Alteration of the same, except so far as respects the Fees which are to be taken by District Registrars, Proctors, and others, for their own Remuneration and to their own Use, shall be subject to the Approval of the Commissioners of Her Majesty's Treasury; and every such Table of Fees, and every Addition, Reduction, Alteration, or Amendment to, in, or of the same, shall be published in the *London Gazette*; and no other Fees than those specified and allowed in such Tables of Fees shall be demanded or taken by such Officers, and Proctors, Solicitors, and Attornies.

Taxation of Costs.

XCVI. The Bill of any Proctor, Attorney, or Solicitor, for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court of Probate, whether contentious or otherwise, or any Matters connected therewith, shall, as well between Proctor or Attorney or Solicitor and Client as between Party and Party, be subject to Taxation by any One of the Registrars of the said Court, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

SCHEDULE (A.)

DISTRICTS and PLACES of DISTRICT REGISTRIES throughout ENGLAND and WALES.

Districts.	Places of District Registries.	Districts.	Places of District Registries.
County of Northumberland (a) ... ..	Newcastle-on-Tyne.	County of Warwick (i) ... ..	Birmingham.
County of Durham ... ..	Durham.	County of Stafford (k) ... ..	Lichfield.
Counties of Cumberland and Westmoreland. ...	Carlisle.	Counties of Radnor, Brecknock, and Hereford...	Hereford.
West Riding of the County of York. ... ..	Wakefield.	Counties of Cardigan, Carmarthen (l), and Pembroke (m) with the Deaneries of East and West Gower in the County of Glamorgan. }	Carmarthen.
North Riding ditto ... ..	York.	Counties of Glamorgan (with the Exception of the Deaneries of East and West Gower) and Monmouth. ... ..	Llandaff.
East Riding ditto (b) including the City of York and Ainsty ... ..	York.	County of Worcester (n) ... ..	Worcester.
County of Lancaster, except the Hundred of Salford and West Derby and the City of Manchester. ... ..	Lancaster.	County of Gloucester (o), except the present Bristol County Court District. ... ..	Gloucester.
City of Manchester and Hundred of Salford. ...	Manchester.	Bristol and Bath present County Court Districts.	Bristol.
Hundred of West Derby in Lancashire. ...	Liverpool.	Counties of Oxford (p), Berks, Bucks, ... ..	Oxford.
County of Chester (c) ... ..	Chester.	Eastern Division of the County of Somerset, except the present Bath County Court District, and the Part in Somersetshire of the present Bristol County Court District. ... }	Wells.
Counties of Carnarvon and Anglesea. ... ..	Bangor.	Western Division of the County of Somerset. ...	Taunton.
Counties of Flint, Denbigh, and Merioneth. ...	St Asaph.	County of Devon (q) ... ..	Exeter.
County of Derby ... ..	Derby.	County of Cornwall ... ..	Bolmin.
County of Nottingham (d) ... ..	Nottingham.	County of Wilts ... ..	Salisbury.
Counties of Leicester and Rutland. ... ..	Leicester.	County of Dorset (r) ... ..	Blandford.
County of Lincoln (e) ... ..	Lincoln.	County of Hants (s) ... ..	Winchester.
Counties of Salop and Montgomery. ... ..	Shrewsbury.	Eastern Division of the County of Sussex. (t) ...	Lewes.
Northern Division of Northampton, and Counties of Huntingdon and Cambridge. (f) }	Peterborough.	Western Division of the County of Sussex. ...	Chichester.
County of Norfolk (g) ... ..	Norwich.	East Division of the County of Kent. (u) ... ..	Canterbury.
Eastern Division of the County of Suffolk and North Division of the County of Essex. ... }	Ipswich.		
Western Division of the County of Suffolk. ...	Bury St. Edmunds.		
County of Bedford and Southern Division of Northamptonshire. (h) ... ..	Northampton.		

The Divisions of Counties referred to in the Schedule are the Divisions of the same Counties described for Election Purposes in the Act of the Second and Third Years of King William the Fourth Chapter Sixty-four, and the Cities and Towns herein referred to are to be taken to include the Counties of such Cities and Towns as are Counties of themselves.

- (a) Including the Towns and Counties of Newcastle-on-Tyne and Berwick-upon-Tweed.
- (b) Including the Town and County of Kingston-on-Hull.
- (c) Including the City of Chester.
- (d) Including the Town of Nottingham.
- (e) Including the City of Lincoln.
- (f) Including the University of Cambridge.
- (g) Including the City of Norwich.
- (h) Including the Town of Northampton.
- (i) Including the City of Coventry.
- (k) Including the City of Lichfield.
- (l) Including the Town of Carmarthen.

- (m) Including the Town of Haverfordwest.
- (n) Including the City of Worcester.
- (o) Including the City of Gloucester.
- (p) Including the University of Oxford.
- (q) Including the City of Exeter.
- (r) Including the Town of Poole.
- (s) Including the Town of Southampton and Isle of Wight,
- (t) Including such of the Cinque Ports and their Dependencies as are locally situate in the County of Sussex.
- (u) Including the City of Canterbury and such of the Cinque Ports and their Dependencies as are locally situate in the County of Kent.

No. 42.

GOVERNMENT NOTIFICATION.

His Excellency The Governor has been pleased to appoint THOMAS LARKINS WALKER, Esquire, to be Assistant Engineer in the Surveyor General's Department. The appointment to date from the 1st instant, and to be subject to the approval of Her Majesty's Government.

By Order,

W. T. BRIDGES.  
Acting Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 3d May, 1858.