



BY AUTHORITY.

THE SECOND YEAR OF THE REIGN OF HIS MAJESTY KING EDWARD VII.

CAP. XXVI.

An Act to further amend the Law relating to Pedlars.

Passed 10th April, 1902.

Be it enacted by the Lieutenant-Governor and Legislative Assembly as follows:—

1. Paragraph (a) of Section 1, of the Act 59 Victoria, Chapter 22, is hereby amended, by inserting between the words "dollar" and "or," in the last line thereof, the words "when the applicant resides in the County for which he applies for license, and eight dollars when he resides in an adjoining County."

2. Paragraph (b) of said Section is hereby amended by adding at the end thereof, and before the word "or," the words: "provided however, that when the County Secretary is satisfied by the solemn declaration of the applicant and of two respectable citizens, that the applicant comes within the other provisions of this paragraph, but through oversight or omission of the Assessors has not been assessed during one or more of such years, he may grant a license under this paragraph."

CAP. XXX.

An Act to amend the Act 59 Victoria, Chapter 28, intituled "An Act to consolidate and amend the several Acts relating to Arrest, Imprisonment and Examination of Debtors."

Passed 10th April, 1902.

Be it enacted by the Lieutenant-Governor and Legislative Assembly as follows:—

1. Section 40 of the Act 59 Victoria, Chapter 28, intituled "An Act to consolidate and amend the several Acts relating to the Arrest, Imprisonment and Examination of Debtors," is hereby amended by inserting after the word "Moncton," in the third line thereof, the words "and in the Parish of Sussex, in King's County."

2. Section 37 of the said Act is hereby amended by striking out the words "the examination," in line four, and inserting in lieu thereof the words "any examination."

CAP. XXXI.

An Act to further amend "The Succession Duty Act, 1896."

Passed 10th April, 1902.

Be it enacted by the Lieutenant Governor and Legislative Assembly as follows:—

1. Section 4 of the Act I. Edward VIII., Chapter 25, in amendment of "The Succession Duty Act, 1896," is hereby amended by striking out the words "fixed and allowed by a Judge of the Supreme Court," in lines 7 and 8 of the section, and inserting in lieu thereof the words "taxed and allowed by the Clerk of the Pleas."

2. Where the deceased had insurance upon his life, whether the insurance moneys are received by or payable to the personal representatives of the deceased, or by or to any other person, such moneys shall be deemed part of the estate for the purposes of this Act.

CAP. XXXII.

An Act to further amend the Act relating to County Courts.

Passed 10th April, 1902.

Be it enacted by the Lieutenant Governor and Legislative Assembly as follows:—

The Term of the Carleton County Court heretofore held on the second Tuesday in November, shall in future be held on the second Tuesday in December.

CAP. XXXIV.

An Act to further amend "The Municipalities Act."

Passed 10th April, 1902.

Be it enacted by the Lieutenant-Governor and Legislative Assembly as follows:—

Section 33 of "The Municipalities Act" is hereby amended by inserting in the first line thereof, between the figures "39" and the word "where," the figure 1 in brackets, thereby making the said section 39 subsection one of the said section; and by adding the following as subsection two of the said section:

(2) Any candidate or any elector chosen as a teller under the provisions of section 29 of this Act, who is entitled to vote at a polling district within the Parish other than that at which he is so chosen to act as teller, may, upon application in writing made to the Parish or District Clerk, either personally or by an agent duly authorized, at any time previous to the opening of the poll at any election, have his name transferred from the district in which he is registered as qualified to vote to the district in which he is to act as teller as aforesaid; and upon presentation to the chairman of the meeting of such last mentioned district of a certificate under the hand of the Parish or District Clerk of the transfer of such vote, the said vote shall be received and counted in the same manner as if the said voter had been originally registered in the said last mentioned district.

CAP. XXXV.

An Act in further amendment of The Probate Courts Act.

Passed 10th April, 1902.

Be it enacted by the Lieutenant-Governor and Legislative Assembly as follows:—

1. Whenever a Judge of Probate allows the policy or contract of indemnity or security of an incorporated company, as provided by the Act 61 Victoria, Chapter 29, and the Acts in amendment thereof and in addition thereto, to be taken in lieu of the security heretofore required, he may allow the executor, administrator or trustee the amount he has to pay the company for entering into such security, not exceeding in the whole the amount of one-half of one per centum of the amount for which the security may be given.

2. The Judge upon the hearing on passing accounts may, with the consent of the parties interested, determine and declare the validity of any claim, duly certified by affidavit and filed, against the estate whenever any such claim may be disputed by the executor, administrator or trustee, or by any one interested in the estate as legatee, creditor, next of kin, or otherwise, and the Judge may declare whether the costs shall be paid by the executor, administrator or trustee out of the estate, or by the claimant, or by any person other than the executor, administrator or trustee, who may so dispute the claim, as to him may seem just.

3. Upon proceedings to prove a Will in Solemn Form, if no allegations be filed, the costs of all parties interested and appearing under and upon return of the citation shall be in the discretion of the Judge.

4. Section 80 of "The Probate Courts Act" is hereby amended by adding as sub-section (2) of said section 80, the following:

"(2) Provided, however, that on or before the first day of July, A. D. 1902, the Lieutenant-Governor in Council may adjust and determine the salaries of the Judges and Registrars by increasing or decreasing the same as shall appear equitable, having due regard to the amount of fees paid into the Probate Fee Fund since the said Act came into force, from the several Counties for which the respective Judges and Registrars are appointed; and each three years thereafter such salaries may, in the same manner, be adjusted and determined by the Lieutenant-Governor in Council, always having due regard to the amount of fee so paid since the last adjustment."

5. Schedule (A) of "The Probate Courts Act" is hereby amended as follows:

(1) Under the heading "Judges' and Registrars' fees," by striking out the words:

"Where the probate value of the estate does not exceed \$250, such fee shall be \$2.00.

"Where such probate value is over \$250 and does not exceed \$500, such fees shall be \$7.00; is over \$500 and does not exceed \$750, such fees shall be \$10.00; is over \$750 and does not exceed \$1,000, such fees shall be \$15.00.

"Where the probate value of the estate is over \$1,000 and does not exceed \$5,000 such fees shall be \$15.00 for the first \$1,000, and \$5.00 additional for each \$1,000 or a fraction thereof over the first \$1,000."

And inserting in lieu thereof the words:

"Where the probate value of the estate does not exceed \$250, such fee shall be \$4.00.

"Where such probate value is over \$250 and does not exceed \$500, such fees shall be \$8.00; is over \$500 and does not exceed \$750, such fees shall be \$12.00; is over \$750 and does not exceed \$1,000, such fees shall be \$20.00.

"Where the probate value of the estate is over \$1,000 and does not exceed \$5,000, such fees shall be \$20.00 for the first \$1,000, and \$5.00 additional for each \$1,000, or a fraction thereof over the first \$1,000."

(2) By adding the words "on every petition for double probate or for the appointment of a new trustee, such fees shall be the like fees as provided to be taken on petition for limited probate."

(3) Under the heading "Proctor's Fees," by striking out the words "a fee at the rate of one dollar per hour," and inserting in lieu thereof the words "a fee not exceeding the rate of one dollar per hour."

6. Section 4 of the Act 62 Victoria, Chapter 39, is hereby amended by inserting the words "and any person interested in the estate of the deceased" immediately after the word "creditors," or "creditor," wherever used in said section.

7. A surety for any executor, administrator, guardian or trustee shall be deemed to be a "a person interested" within the meaning of section 33 of "The Probate Courts Act, 1898."