

**AN ACT FOR THE  
AMENDMENT OF THE LAW  
WITH RESPECT TO  
WILLS, (1 VICT. C. 26.)**

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An Act for the Amendment of the Law with Respect to Wills, (1 Vict. C. 26.) by Richard Trott Fisher

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**RICHARD TROTT FISHER**

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WILLS, (1 VICT. C. 26.)**



AN ACT  
FOR THE AMENDMENT  
OF THE  
**Law with respect to Wills,**  
(1 VICT. c. 26.)

WITH REMARKS  
EXPLANATORY OF THE SEVERAL CLAUSES,  
THE OBJECT OF THEIR ENACTMENT,  
AND THE ALTERATION IN THE LAWS  
THEREBY EFFECTED;

WITH  
AN INDEX TO THE ACT.

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BY  
RICHARD TROTT FISHER, ESQ.  
OF LINCOLN'S INN, BARRISTER-AT-LAW.

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1837.

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## P R E F A C E.

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IT has been the object of the Editor of the following pages to explain, in the most convenient form, and as shortly as possible, the alterations effected in the law by the Act respecting Wills which has just passed the Legislature. For this purpose it was necessary to explain something of the law as it had been previously established by statutory enactment and judicial decisions: but in doing this he has endeavoured to confine himself strictly to such part only as is affected by the provisions of the new Act; the order of which he has followed, for the convenience of comparison. This must be his excuse for the incomplete and desultory character of his observations. No apology seems necessary for any attempt to elucidate a statute of such great and general importance.

*2, Stone Buildings,  
Lincoln's Inn.*

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1 VICT. c. 26.

*An Act for the Amendment of the Laws  
with respect to Wills. [3d July, 1837.]*

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this act, except where the nature of the provision or the context of the act shall exclude such construction, be interpreted as follows; (that is to say,) the word "will" shall extend to a testament, and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any child, by virtue of an act passed in the twelfth year of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries, and Tenures in capite, and by

Meaning of certain words in this act :

" Will:"

12 Car. 2, c. 24.

Knights Service, and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof," or by virtue of an act passed in the parliament of Ireland in the fourteenth and fifteenth years of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries, and Tenures in capite and by Knights Service," and to any other testamentary disposition;

14 & 15 Car. 2,  
(1.)

"Real estate:" and the words "real estate" shall extend to manors, advowsons, messuages, lands, tithes, rents, and hereditaments, whether freehold, customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and the words "personal estate" shall extend to leasehold estates and other chattels real, and also to monies, shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

"Personal estate:"

Number:

Gender.