

or maintenance of the clergy or ministry of the church of England, as by law established, or to the use of the church, or support of the protestant religion in general, without particularly mentioning to what church, chapel or person, shall be good and effectual in law, notwithstanding such omission, or any ambiguity or uncertainty in the wording of any will, if the intent of the testator can be reasonably collected from the words of the will.

See the 34th art. of the declaration of rights.

Land to go
to the
parish, &c.

SEC. 3. *And*, for putting an end to disputes about the right to such lands, *Be it enacted, by the authority, advice and consent aforesaid*, That where the intent of the testator is at large, and it does not appear to what church, chapel or person, he devised such land, in such case the land so devised shall go to the parish or incumbent where such land lies, in the same manner as glebes are commonly held, and that no want or insufficiency of words, (where the intent appears) shall defeat such parish or incumbent of such land.

Proviso.

SEC. 4. *Provided, nevertheless*, That this law shall in no wise affect any lands that have been heretofore disputed in law, or escheated, or about which there is at this time any contest or law-suit depending; and provided, likewise, that such will or wills have and shall be signed by the testator so devising the same, or by some other person in his presence, and by his express directions, in the presence of three or more credible witnesses and duly proved.

See 1798, ch. 101, sub ch. 1, sec. 1.

CHAPTER 5.

AN ACT to regulate Prosecutions in criminal cases.

No indictment to be
exhibited,
&c.

Be it enacted, by the right honourable the Lord Proprietor, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly of this province, and the authority of the same, That from and after the publication hereof, no attorney-general, or clerk of the peace or of indictments, shall exhibit any bills or bill of indictments to any grand jury against any person whatsoever, without an express order from *the governor and council*, or from the court where the prosecution is to be, or some one of the justices of such court, or unless the offender be bound over to such court, or that the grand jury find or make a presentment of the offence of their own knowledge, upon penalty of paying the party grieved all the damages and charges that shall be occasioned by such prosecution, any law, statute, usage or custom, to the contrary notwithstanding.

See note under 1715, ch. 48, sec. 1.

So much of this, as gives power to the governor, to cause bills of indictment to be exhibited, is not sustained by the constitution of this state.