

severality shall operate and be effectual, to convey and transfer to such coparcener, joint tenant, or tenant in common all and singular the right, title, interest, property, claim and demand of all and every other of the coparceners, joint tenants, or tenants in common, as such interested therein, as well infants and feme-coverts as others, being parties to such proceeding, in as full and ample a manner as if the same had been conveyed and transferred by deed or conveyance, duly signed, sealed and delivered by such other coparceners, joint tenants and tenants in common, and duly proved or acknowledged, and registered in the County where such part or portion of the lands may lie, and in the case of infants in like manner as if such infants were at the time of full age; Provided always, That such decree shall have been first duly signed and enrolled, and registered in the Office of Register of Deeds of the County where the lands may lie, according to the provisions hereinafter contained.

IV. And be it enacted, That any decree of the said Court of Chancery, having been first duly signed and enrolled, may be registered in the Office of the Register of Deeds for any County in like manner and order, as any deed or conveyance, upon production to the Register of Deeds of a copy thereof, with a certificate indorsed thereupon, of the Registrar of the Court of Chancery, under the seal of the said Court, that the same is a true copy of a decree of the said Court, and that the same has been duly signed and enrolled; and the Register of Deeds shall indorse upon such copy a certificate of such registry in like manner as is required by law, in respect of any deed or conveyance duly registered, and for his services in that behalf shall be entitled to the like fees and emoluments as are provided in the case of deeds and conveyances, and such copy of such decree with such certificates thereon shall be evidence in all Courts of Law and Equity in this Province, of such decree and of such registering thereof, and a copy from the County Registry of such decree, duly certified by the Register of Deeds, shall be admitted in evidence in such cases and under such rules and restrictions as a copy of a registered deed taken from such County Register would be so admitted.

CAP. XXXVII.

An Act in amendment of the Act relating to the appointment of a Master of the Rolls in the Court of Chancery.

Passed 23d March 1839.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the right and power of appointment to the office of the Master of the Rolls, pursuant to an Act of Assembly passed in the first year of Her present Majesty's reign, intituled "An Act to authorise the appointment of a Master of the Rolls to the Court of Chancery in this Province, and to provide for such officer," and subject to the provisions and limitations therein contained, shall and is hereby declared to be vested in the Queen's Majesty and Her successors, any thing in the said recited Act to the contrary notwithstanding.

II. Provided always and be it enacted, That nothing in this Act contained shall extend or be construed to cancel, vacate or annul, or to authorize the cancelling, vacating or annulling of the appointment already made by His Excellency the Lieutenant Governor to the said office by virtue of the power and authority in him vested, by and in due conformity with the said recited Act; but the present Master of the Rolls shall continue to hold and enjoy the said office, with all the rights, privileges and advantages thereunto appertaining, according to the provisions of the said recited Act: Provided also, that nothing in this Act contained shall extend or be construed to prevent a provisional appointment being made to the said office in case of vacancy, by the Lieutenant Governor or Commander in Chief for the time being, in like manner as in the case of other judicial appointments.

III. And whereas it is deemed necessary for the convenience of suitors and the despatch of business, that the Master of the Rolls should reside where the Court of Chancery sits; Be it therefore enacted, That from and after the first day of October next, the usual place of residence of the Master of the Rolls shall be in the place where the Court of Chancery sits, and not elsewhere.

CAP. XXXVIII.

An Act to authorize Her Majesty's Justices of the Peace for the Counties of Gloucester and Restigouche to assess the said Counties.

Passed 23d March 1839.

WHEREAS the tract of country formerly established as the County of Gloucester, hath recently been set off into two distinct and separate Counties, denominated the County of Gloucester and the County of Restigouche: And whereas at the time of the division of the County of Gloucester, the same was liable and subject to a certain debt of one hundred and fifty pounds, which it is reasonable and just to assess and levy on the said Counties of Gloucester and Restigouche, in a fair rate and proportion, in order that the same may be discharged;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for Her Majesty's Justices of the Peace of the said Counties of Gloucester and Restigouche respectively, and they are hereby required, at their General Sessions of the Peace respectively next succeeding the passing of this Act, to assess their respective Counties in the rate following, that is to say, one hundred pounds upon the County of Gloucester, and the sum of fifty pounds upon the said County of Restigouche.

II. And be it further enacted, That the said sums so to be assessed as aforesaid, shall be assessed, levied, collected and paid agreeably to any Acts now or hereafter to be in force, for the assessing, collecting and levying of County rates.

CAP. XXXIX.

An Act in addition to an Act, intituled "An Act to prevent Desertion from Her Majesty's Forces, and to punish unlawful dealings with Soldiers or Deserters."

Passed 23d March 1839.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act if any Licenced Tavernkeepers or Retailer within this Province shall, under the provisions of any existing law, be convicted of directly or indirectly persuading or seducing any soldier to desert from Her Majesty's service, or assisting any Deserter from Her Majesty's service, knowing him to be such, in deserting or in concealing himself from such service, or of buying,

exchanging or detaining, or otherwise receiving from any Soldier or Deserter upon any account whatever, any arms, clothing, caps or other furniture belonging to the Queen, or any such articles belonging to any Soldier or Deserter as are generally deemed regimental necessities, according to the custom of the army, or shall exchange, buy or receive from any Soldier any provisions, unless by consent of the officer commanding the regiment or detachment to which Soldier shall belong, it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to annul, abrogate, and make void the Licence of such Tavernkeeper or Retailer.

II. And be it further enacted, That immediately on receiving notice of the annulment of such Licence, the said Tavernkeeper or Retailer shall thenceforth be deemed and taken to be an unlicenced person, to all intents and purposes, and shall further be disqualified from holding a Tavern or Retail Licence for the space of one year from the time of such annulment, any law or usage to the contrary thereof in any wise notwithstanding.

III. And be it enacted, That this Act shall be publicly read by the Clerk at the opening of every Court of General Sessions of the Peace in the several Counties of this Province, at the time any other Acts relating to Tavernkeepers and Retailers may be so read.

IV. And be it further enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty four, and no longer.

CAP. XL.

An Act to empower the Commissioners of the Marine Hospital at Saint Andrews, in the County of Charlotte, to purchase a lot of land for the benefit of the said Hospital.

Passed 23d March 1839.

WHEREAS the enlarging the grounds of the Marine Hospital at Saint Andrews, in the County of Charlotte, would much conduce to the health and comfort of its inmates;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Commissioners of the said Marine Hospital are hereby authorized and empowered to purchase a lot of land, situate on the Town plat of Saint Andrews, in the County of Charlotte, commonly called the Rectory Lot, adjoining the one on which the said Hospital is now erected, and to make such improvements thereon as may by them be deemed necessary for the health and comfort of the inmates of the said Hospital.

II. And be it further enacted, That the said lot of land when so purchased, shall be conveyed to the said Commissioners of the said Marine Hospital, to hold to them and their successors in office for ever for the purposes aforesaid.

III. And be it further enacted, That the said lot of land or any part thereof, shall not in any way or by any means whatever be alienated or granted or disposed of by the said Commissioners or their successors in office for any other purpose whatever, than as hereinbefore stated, without an act of the General Assembly authorizing the same.

CAP. XLI.

An Act to continue an Act, intituled "An Act to provide for the support of a Nightly Watch in and for lighting the City of Saint John, and for other purposes."

Passed 23d March 1839.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act more effectually to provide for the support of a Nightly Watch in and for lighting the City of Saint John, and for other purposes," be and the same is hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XLII.

An Act to amend the Law relating to Bastardy.

Passed 23d March 1839.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the third Section of an Act made and passed in the thirty second year of the Reign of King George the Third, intituled "An Act to provide for the maintenance of Bastard Children," be and the same is hereby repealed.

II. And be it enacted, That all orders of affiliation or maintenance to be made in pursuance of the said recited Act, shall be made by the Justices of the Peace in General Sessions.

III. And be it enacted, That in case any person appearing before such Court of General Sessions, charged with being the reputed father of a bastard child, likely to become chargeable to any Parish, shall traverse or deny the charge, such Court on the oath of the mother of such child, or such other testimony as may be offered to their satisfaction, may adjudge such person the reputed father as aforesaid.

IV. And be it enacted, That when the child with which the woman may be pregnant likely to be chargeable as aforesaid, may not be born at the time of any person appearing before such Court charged with being the reputed father of such child, or in any case where the said Court either for the purpose of procuring further testimony or for other reasons, shall consider it necessary to put off the consideration of the charge, or the making of an order of affiliation or maintenance until the next Court of General Sessions to be held for such County, such Court shall be at liberty so to order and direct; and thereupon the person so charged shall forthwith enter into recognizance with one or more sufficient sureties to the satisfaction of such Court for his appearance at the next General Sessions of the Peace to be held for said County to answer the said charge, and further to be dealt with according to law; and on neglect or refusal to give such recognizance may be committed by such Court to the common gaol of said County.

V. And be it enacted, That when the said Court adjudge such person the reputed father of such child, they shall thereupon make their order of affiliation in which shall be specified the expences already incurred, as well for the lying in expences as for the apprehension and conviction of such reputed father, and also for the support of such child up to the time of making such order, and also such weekly sum as shall thereafter be paid by

such reputed father for the future support of such child while chargeable on any Parish.

VI. And be it enacted, That on notice of any such order such reputed father shall thereupon forthwith pay into the hand of the Clerk of the Peace for the use of the Overseers of the Poor of the Parish where such child is chargeable, such sums as shall be so ordered for expences so already incurred as aforesaid, and shall also enter into recognizance conditioned that such person his executors and administrators, shall pay to the Overseers of the Poor of such Parish such weekly sum as shall be so ordered for the future support of such child.

VII. And be it enacted, That if any such reputed father shall refuse or neglect to perform such order, or to give such recognizance, such Court may thereupon forthwith commit such reputed father to the common gaol of the County, there to remain until he enter into such recognizance or be otherwise discharged by law: Provided always, that when such reputed father is wholly unable to perform such order or to find such sureties, the said Court may in their discretion at any time order such father to be discharged.

VIII. And be it enacted, That any recognizances required by this Act shall be jointly and severally acknowledged by the said reputed father and one or more sufficient sureties to the satisfaction of such Court, or in case the said reputed father be under the age of twenty one years, then by two sufficient sureties as aforesaid and payable to Her Majesty, Her Heirs and Successors, in a penal sum not exceeding fifty pounds, in the form given by the Schedule to this Act annexed, or in words to the like effect.

IX. And be it enacted, That when any such recognizance or any recognizance taken by virtue of the said recited Act, whether taken before such Court or a single Justice of the Peace, may become forfeited by reason of the non-performance of the condition thereof, proceedings may be had at the instance of the Overseers of the Poor of the Parish interested, in the said Court of Sessions in the nature of *Scire Facias* (issuable either in term or vacation), for the recovery of the penalty of the said recognizance, and upon the return of such *Scire Facias* duly served at least fourteen days before the return thereof, the said Court may proceed in a summary manner to hear and determine the question whether the party appear or make default; and in case the said Court thereupon adjudge the said recognizance forfeited by reason of the non-performance of the condition thereof, may award execution directed to the Sheriff of such County, agreeably to the form hereinafter provided for, and the amount thereof when paid or levied shall be paid into the hands of the Clerk of said Court for the purpose of being applied under the direction of the said Court to the support of the Poor of the Parish interested: Provided always, that such Court may from time to time in their discretion make such order and give such relief, either for the stay of proceedings or the whole or partial discharge of such recognizance, and on such terms and conditions as such Court may think reasonable and proper.

X. And be it enacted, That it shall be the duty of the Sheriff to whom any such *Scire Facias* or execution may be directed to serve and execute the same within his bailiwick in the same manner as other writs of *Scire Facias* or execution are served, and to make due return thereof, for which he shall be entitled to the same fees as in other like cases, to be allowed and paid by the said Court as a part of the contingent expences of the County, unless in the case of an execution levied by or paid to him, in which case such Sheriff may levy or receive his fees for service of such execution and poundage thereon from the party against whom such execution may be issued.

XI. And be it enacted, That a certified copy signed by the Clerk and under the seal of the said Court, of any such proceedings shall be received in all Courts of Law and Equity in this Province as evidence thereof in the same manner as if the original were produced.

XII. And be it enacted, That the said *Scire Facias*, Judgment and Execution in such proceedings may be in the form given by the Schedule to this Act annexed, or in words to the like effect.

XIII. And be it enacted, That in any Parish within this Province, wherein Commissioners of Alms or Poor Houses are established such Commissioners shall, in all respects, be deemed and considered the Overseers of the Poor of such Parishes, for all the purposes of the said recited Act or this Act.

SCHEDULE.

Form of Recognizance taken before a single Justice for appearance at Sessions, &c.

ss. Be it remembered that on the day of in the year of the Reign of our Sovereign Lady Victoria, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, A. B. of in said County and C. D. of in said County, personally came and appeared before me

Esquire, one of Her Majesty's Justices of the Peace, in and for the said County, and acknowledge themselves to be jointly and severally indebted to our said Sovereign Lady the Queen, in the sum of pounds, of lawful money of New Brunswick, upon condition, that if the said A. B. [or in case the person charged be under age, that E. F.] shall personally appear at the next General Sessions of the Peace, to be holden at in and for the said County, then and there to answer to a charge made against him as being the reputed father of a Bastard Child, likely to be chargeable to some Parish in said County, and not to depart without leave of the said Court.

Taken and acknowledged before me, the same day and year aforesaid.

A. L. J. P.

Form of Recognizance taken in open Court, to appear or to perform Order, &c.

ss. Be it remembered, that at the General Sessions of the Peace, held at in and for the County aforesaid, on the Tuesday, in the year of the Reign of our Sovereign Lady Victoria, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the faith. Before [naming the senior Justice actually presiding at the time of taking such recognizance], and others, Justices of our said Lady the Queen, assigned to keep the Peace of our said Lady the Queen, in and for said County, and also to hear and determine divers felonies, trespasses and other misdemeanours committed in the said County, personally appeared A. B. of in said County and C. D. of in said County, and acknowledged themselves jointly and severally indebted to our said Sovereign Lady the Queen, Her Heirs and Successors, in the sum of pounds of lawful (To be concluded in our next.)