

ral of this Province, to be by him dealt with as other public moneys.

4. That the Clerk of the Pleas shall enter into a Bond to the Queen, in the penal sum of two thousand dollars, with two sureties to the satisfaction of the Lieutenant Governor in Council, conditioned for the due and faithful performance of his duties under this Act, and for the due payment to the Receiver General of all moneys received by him as such fees under the provisions of this Act.

5. That all rules and orders of the Supreme Court now in force to secure the payment of such fees, or relating to the same, shall continue and be in full force and effect.

6. That the fee of six shillings and eight pence, heretofore payable to the Judges under such Ordinance of Fees, on every trial on the Circuit, shall hereafter be payable to the Clerk of the Circuits for the County, or City and County, on the entry of any cause for trial, and be by him forthwith transmitted to the Clerk of the Pleas, and by him paid over to the Receiver General as public moneys; such fees to be accompanied by a copy of the Docket of the causes entered at the Circuit Court.

7. That the Clerk of the Pleas shall be entitled to receive at and after the rate of ten per cent. upon all moneys by him paid over to the Receiver General, such per centage to be paid by warrant in the usual manner.

### CAP. XIII.

An Act in amendment of an Act to regulate the Election of Members to serve in the General Assembly.

Passed 21st April, 1869.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—

That notwithstanding any thing contained in Section 35 of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, all non-residents who are entitled to vote in King's County for the Election of Members to serve in the General Assembly of this Province shall, unless they select another polling district, be registered for the polling district as at present established in the Parish of Hampton, in King's County aforesaid, and shall vote in the said district; but nothing herein contained shall be held to affect the existing Register of Electors for said County, or the right to vote thereon.

### CAP. XIV.

An Act to authorize the sale of Real Estate belonging to the estates of deceased persons, in certain cases.

- Sec.
- 1 When real estate may be ordered to be sold.
  - 2 Application for sale, how made.
  - 3 Parties interested to appear on summons; proviso.
  - 4 Upon return of summons Court to proceed to hearing application.
  - 5 Sale, by whom made; public notice of sale, how made.
  - 6 Deed, by whom executed; to be a bar against subsequent claims.

- Sec.
- 7 Conveyance if duly acknowledged, to be proof that proceedings were rightly had and done.
  - 8 Duty of Barrister making sale; proceeds of sale, by whom held.
  - 9 When report received, Court to divide proceeds of sale.
  - 10 Costs of proceedings, how paid.
  - 11 Court to make Rules, &c.
  - 12 Costs, by whom taxed.

Passed 21st April, 1869.

WHEREAS it frequently happens that there are a number of persons entitled to shares or interests in the Estates of deceased persons, and that the real property belonging to such estates is of such nature that partition of the same cannot be conveniently made, and it is deemed expedient that

provision be made for the sale of such Real Estate under the direction of the Supreme Court in Equity, and for the division of the proceeds of such sale;—

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

1. Upon application being made to the Supreme Court in Equity by any person or persons entitled to any share or interest in the Real Estate of any person or persons deceased, it shall and may be lawful for such Supreme Court in Equity, if it shall be made apparent to said Court that the said real estate belonging to said estate of such person or persons deceased is of such nature that partition of the same cannot conveniently be made, or that serious loss would occur to said estate by such partition, or that it would be for the benefit of a large majority of the parties interested in such real estate that the same should be sold, to order the said real estate to be sold under the direction of the said Supreme Court in Equity.

2. Such application shall be made to the Supreme Court in Equity by petition, under oath, of the party desiring such sale, which petition shall set forth the name of the party deceased, the different parts and parcels of the real estate of the said deceased person, and the several descriptions thereof, as near as the Petitioner can ascertain the same, and the several values thereof, and also the names and residences of the several parties interested (and if any, and which of them are infants) in the said real estate, as near as the same can be ascertained, and also the reasons why the Petitioners desire such sale to be made.

3. If the facts set forth in such petition are such that it shall *prima facie* appear expedient to said Court that such sale should be made, the said Court shall order a Summons to be issued directed to the parties interested in such real estate, calling on them to appear before said Court at the time therein appointed, to shew cause why such sale should not be made, which said summons shall be served on the said parties, if resident within this Province, at least thirty days before the time therein appointed for hearing; and if any of the said parties shall reside without the limits of this Province, then a copy of such summons shall be published in the Royal Gazette for three calendar months previous to the time therein appointed for hearing; provided that the said Court, if they shall deem it proper, may make such other order touching the service or publication of said summons, as under the circumstances of the case they may deem just and proper.

4. Upon the return of the said summons, the said Court shall proceed to the hearing of the said application upon affidavits, or *viva voce*, as may be most expedient, and may adjourn the said hearing from time to time, and order such further evidence or information to be presented to said Court as the presiding Judge may direct; and if upon such hearing it shall appear to the satisfaction of said Court, that the said real estate is of such a nature that partition thereof cannot be conveniently made, or that serious loss would occur to said estate by such partition, or that it would be for the benefit of the large majority of the parties interested in such estate that the same should be sold, the said Court may order the said real estate, or so much thereof as shall be deemed expedient and for the interest of the several parties to be sold.

5. Such sale shall be made by public auction to the highest