

bidder by a Barrister appointed by the Court, who shall give three months notice of such sale in the Royal Gazette, and also in one or more of the public Newspapers published in the County in which such real estate is situate, and in case there is no paper published in said County, then by handbills to be posted in the Office of the Registrar of Deeds and in three of the most public places in said County, one of which shall be in the Parish in which said estate is situate; the said real estate may be sold in several lots or portions if deemed advisable by the said Barrister.

6. Upon such sale the said Barrister shall execute a Deed to the purchaser or purchasers thereof, which said Deed shall briefly recite the decree or order of the said Court; and such Deed, when duly acknowledged or proved and registered in the Office of the Registrar of Deeds for the County wherein the said real estate is situate, be a complete and perfect bar against any claim on the same by any of the parties named in the said summons.

7. Every conveyance made under the provisions of this Act, and duly acknowledged or proved and registered, shall be evidence that all the proceedings on which the same is founded, were rightly had and done.

8. Upon such sale being made and completed, the said Barrister shall remit the moneys to be produced by such sale to the Clerk of the Supreme Court in Equity, to be by him held subject to the direction of said Court; and said Barrister shall also make report to said Court of his proceedings under the said decree, stating the rights or interests of the several parties mentioned in and sold under the said decree, and how and by what means the several interests are derived; and to enable him to make such report, shall have power and authority to call before him any witness or witnesses whatever, and to examine them upon oath.

9. Upon such report being made, the said Court shall, after deducting the costs and expenses of the proceedings, order and appoint the money produced by the sale of the said real estate, to be divided among the several parties interested in the same, in the same proportions as the said real estate would have been divided had partition of the same been made, and shall order and direct the Clerk of the said Court to pay to the said parties, or their lawfully appointed Attorneys, the sums of money respectively awarded by the said Court to be paid to them, who shall take their receipts, which shall be sufficient evidence of such payment having been so made.

10. The costs of such proceedings shall in ordinary cases be paid out of the proceeds of the sale of such property; but it shall be in the discretion of the said Court to make such award as by whom or out of what fund the same shall be paid, as under the particular circumstances of each case shall appear to be in accordance with justice and equity.

11. The Supreme Court in Equity shall have the power and authority to make such general rules and orders, and forms of summons, &c. governing the proceedings in cases arising under this Act, not inconsistent therewith, as to the said Court shall seem meet and proper.

12. The costs in cases under this Act shall be taxed by the Clerk of the said Court, and shall be the same as are allowed for similar services by the Schedule of Fees in Equity.

CAP. XV.

An Act to repeal Chapter 36, Title iii, of the Revised Statutes, intituled 'Of Desertion from Her Majesty's Forces.'

Sec.

- 1 Cap. 36, Title iii, repealed.
- 2 If Deserter apprehended before passing of this Act, reward to be paid.

Sec.

- 3 When Gaoler must take charge of Deserter.

Passed 21st April, 1869.

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

1. That Chapter 36, Title iii, of the Revised Statutes, intituled 'Of Desertion from Her Majesty's Forces,' be and the same is hereby repealed.

2. That nothing in this Act shall prevent any person apprehending a Deserter from Her Majesty's Forces from being entitled to and receiving compensation as provided by the said Act, providing the apprehension of such Deserter shall have taken place before the passing of this Act.

3. The keeper of any gaol shall be and is hereby authorized and required to receive any Deserter into his custody without fee or reward, whether conveyed under warrant from a Justice of the Peace, or under military escort by order of the commandant of any garrison in this Province.

CAP. XVI.

An Act relating to Trustees.

Sec.

- 1 When Court may remove Trustee
- 2 Rights and liabilities of new Trustee.
- 3 Trustees under this Act subject to provisions of certain former Acts.

Sec.

- 4 Compensation to Trustees, by whom allowed.
- 5 Compensation, how paid.
- 6 Purchasers not bound to see to application of purchase money.

Passed 21st April, 1869.

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

1. The Supreme Court in Equity shall have power, on application by petition or otherwise, to remove any person from being a Trustee, whenever said Court shall deem it expedient so to do; and said Court are hereby empowered in any case of such removal, whenever said Court shall deem it expedient so to do, to appoint a new Trustee in substitution for the Trustee so removed.

2. Such new Trustee so and when appointed shall be vested with the same rights and subject to the same duties and liabilities, and in every way stand in the same position as a Trustee appointed under and by virtue of the Acts of the Imperial Parliament thirteenth and fourteenth Victoria, Chapter 60, called "The Trustee Act of 1850," and fifteenth and sixteenth Victoria, Chapter 55, extending the provisions of that Act, and of the Act of the General Assembly thirtieth Victoria, Chapter 16, intituled *An Act to amend the second Section of Sub-Chapter 1 of the Act of Assembly seventeenth Victoria, Chapter 18, intituled 'An Act relating to the administration of Justice in Equity';* and any such appointment of new Trustees, and any thing done by virtue of this Act, shall operate no further or otherwise as a discharge to any Trustee removed by virtue of this Act, or any former or continuing Trustee, than an appointment of new Trustees under any power contained in any instrument would have done, or than an appointment of new Trustees under the above mentioned Acts would have done.

3. The provisions of the Acts of the Imperial Parliament, thirteenth and fourteenth Victoria, Chapter 60, and fifteenth and 16th Victoria, Chapter 55, above referred to, and the Act of General Assembly thirtieth Victoria, Chapter 16,