

and hereditaments, held in coparcenary, joint tenancy or tenancy in common, shall be effected by the Court of Chancery according to the practice and proceedings established or to be established in that Court.

be effected by the Court of Chancery according to the practice of that Court.

II. And be it enacted, That in case any of the parties to any proceeding in the said Court of Chancery for a partition, shall be infants under the age of twenty one years, it shall and may be lawful for the said Court to appoint a guardian or guardians *ad litem* for such infant, in like manner as such guardians may be appointed in any other suit in the said Court.

Court may appoint guardians *ad litem* when any of the parties are under age.

III. And be it enacted, That the decree of the said Court, whereby any part or portion of lands, tenements or hereditaments, held in coparcenary, joint tenancy or tenancy in common shall be decreed to any coparcener, joint tenant, or tenant in common, in severalty, 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.

Decree of the Court signed, sealed, and registered to convey the lands, &c. decreed to any coparcener as effectually as a conveyance from the other coparceners.

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 the registry 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.

Decree may be registered in the County Registry.

Dec 1<sup>st</sup> vic. c  
8 20<sup>th</sup> Dec  
by the Master of the  
Rolls page 213  
Ordnance by 14<sup>th</sup>  
see cap 26  
Account of Decree  
Copy from the Registry to be admitted in evidence.  
10.1.8

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. **B**E 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 the Assembly passed in the first year of Her present

Right of appointment of the Master of the Rolls vested in the Queen's Majesty.

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.

Act not to authorize the cancelling of the appointment already made.

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.

Proviso for provisional appointment in case of vacancy.

Usual place of residence of the Master to be where the Court sits.

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.

Preamble.

**W**HEREAS 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;

Justices of Gloucester authorized to assess the County for £100, and of Restigouche for £50.

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, the sum of one hundred pounds upon the County of Gloucester, and the sum of fifty pounds upon the said County of Restigouche.

Money to be assessed &c. as other County rates.

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.