

service, or exclusively for the purposes of the Railway, or jointly for both, the rate of such Electric Telegraph for the purpose of receiving and sending Messages, shall, subject to the prior right of use thereof for the service of Her Majesty, and for the purposes of the Company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said Railway Company, be open for the sending and receiving of Messages by all persons alike, without favour or preference.

The use of so much of the Railway as may be common to the contemplated Halifax and Quebec line to be conceded on equitable terms to the governing body of the latter.

4. In the event of the construction of the said European and North American Railway by the Company now incorporated for that purpose, the use of so much of said Railway as may be common to that Line and to the Halifax and Quebec Line, shall be conceded on fair and equitable terms and conditions to the governing body of the Halifax and Quebec Railway, if they demand it; and such terms and conditions shall be fixed by two arbitrators and an umpire, or the majority of them, of whom the two arbitrators shall be appointed by the governing bodies of the two Railways respectively, and the umpire shall be named by such arbitrators when so appointed.

Construction of this Act and two Acts of last Session if assented to by Her Majesty.

5. Provided always, that the two Acts or Bills intituled respectively *An Act to facilitate the construction of the European and North American Railway*, and *An Act further to facilitate the construction of the European and North American Railway*, which were passed in the last Session of the Legislature of New Brunswick, but which have not yet received Her Most Gracious Majesty's assent, shall in the event of both or either of them receiving such assent, be deemed to be and be construed as one Act with this present Act; and provided also, that nothing in such two Acts or Bills contained shall be so construed as to be inconsistent with or impede the concession of any facilities or the enjoyment of any advantages granted by an Act of the present Session in favour of the National and Provincial undertaking of the Halifax and Quebec Railway, but all provisions of such two Acts or Bills shall be so construed as to give a preference to the construction and maintenance of the said Halifax and Quebec Line, whenever by reason of its traversing the same ground, or otherwise, the interests of the two Railways may conflict or be incompatible.

The Acts for the Halifax and Quebec Railway to be construed so as to give that line the precedence.

*1 June 1852*

*Not Depreciated but* — CAP. XLII. *expired*  
 An Act for the further amendment of the Law and the better advancement of Justice.  
 Passed 7th April 1852.

Preamble.

**W**HEREAS it would greatly facilitate the administration of Justice in this Province, and reduce the expense thereof, if the Acts of Assembly were revised and properly arranged, and the proceedings in suits at law and in equity abridged and simplified;

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

Not more than five Commissioners to be appointed to revise the Laws, Report on the Courts' practice, and Law of Evidence.

1. The Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, is authorized and empowered, by Warrant under his hand and seal, to appoint three or more fit persons, not to exceed five in the whole, to be Commissioners as well to consolidate, simplify in their language, revise and arrange in one uniform code, the Acts of Assembly in this Province, incorporating in such revision and arrangement all such alterations and amendments as the said Commissioners shall deem necessary, as to report upon the practice and proceedings in the Courts of Law and Equity, and to suggest such alterations therein as may appear to the said Commissioners, or a majority of them, best adapted to lessen expense and advance

vance justice, and especially to take into consideration the Law of Evidence as it at present exists in this Province, and the propriety of altering the same, and to report the result of their doings to the Lieutenant Governor or Administrator of the Government for the time being, in separate Reports, embracing in one report the revision and codification of the Acts of Assembly, and in the other the practice and proceedings in the Courts of Law and Equity, and the other matters by this Act directed to be reported upon, to be by him laid before both Houses of the Legislature immediately after the then next meeting thereof, for their consideration and action, with a detailed account of the expenses thereof.

2. It shall be lawful for the said Commissioners so to be appointed, or the major part of them, for the purpose of procuring information relative to any of the matters aforesaid, to call before them any person or persons, and to require the production from any public office or department of any books, documents or papers connected with the proceedings of any Court where actions or suits at law or in equity are usually brought, as may be necessary; and the said Commissioners, or a majority of them, are hereby empowered to examine on oath or otherwise, according to the discretion of the said Commissioners, (which oath the said Commissioners or any one of them are hereby authorized to administer,) any person or persons, relating to such practice and proceedings, and touching all other matters to be inquired into under the provisions of this Act; and all such persons are hereby required to attend the said Commissioners from time to time and at such times and places as they or a majority of them shall appoint, on receiving due notice thereof, and on being required so to do.

The Commissioners may require the production of books, &c. connected with the proceedings of Courts;

And examine parties on oath.

3. The said Commissioners are hereby authorized to employ such clerks and assistants as may be necessary for the performance of the duties imposed upon them by this Act.

Authority to employ clerks and assistants.

4. This Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty four, and no longer.

Limitation.

*See N. Laws Vol. 1, Page 484, Repealed*

CAP. XLIII. An Act respecting Joint Tenancy.

*See N. L. Vol. 1. Page 296, for a recency of this Act*

Passed 7th April 1852.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. Every Estate hereafter to be created, granted or devised to two or more persons in their own right shall be a tenancy in common, unless expressly declared to be in joint tenancy; but every Estate vested in Trustees or Executors as such, shall be held by them in joint tenancy.

Estates devised to several persons to be held in tenancy in common, unless otherwise provided for.

2. Any change of the Trustees in any Trust Estate pursuant to the powers of the original trust, shall not sever the title, but after every such change the joint tenancy shall exist in the whole body of Trustees, with all the force and effect of such original trust.

Joint tenancy after change of Trustees.

*as above Repealed*

CAP. XLIV. *Repealed in N. L. Vol. 1. Page 89.*

An Act to authorize the Lieutenant Governor in Council to grant Lands upon equitable terms to persons now occupying the same under special circumstances.

Passed 7th April 1852.

**W**HEREAS it is supposed that divers persons have *bona fide* occupied or improved lands situated in the Islands in the Rivers Restigouche and Mistouche, and elsewhere, which lands have by the provisions of an Act

Preamble.  
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