

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See N. Laws Vol. 1, Page 484, Repealed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 recension of this Act

Passed 7th April 1852.

BE 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.

WHEREAS 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.

' of

of the Imperial Parliament, intituled *An Act for the settlement of the Boundaries between the Provinces of Canada and New Brunswick*, become part and portion of New Brunswick, and are situated in the Counties of Restigouche or Victoria as the case may be;

Governor in Council authorized to grant certain land on Islands in the Restigouche and Misstouche Rivers without sale, &c.

1. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government, by and with the consent and advice of Her Majesty's Executive Council for the time being, whenever it shall be made to appear to his satisfaction that such *bona fide* occupation or improvement of lands took place before the passing of the said Act, to grant to such occupiers or improvers, or their heirs or assigns, on such conditions as to His Excellency may appear fair and equitable, the lands so occupied or improved, without any sale by auction, anything in any previous Act of the General Assembly of this Province to the contrary notwithstanding.

In R. Laws Vol. 1. Page 485
Repealed but
provided for
in R. L. Vol. 1. Page 81. S. 5.
As above
R. L. Vol 1. Page 83.

CAP. XLV.

An Act further to continue the Act to provide for the services of the Clerk of the Circuit Courts in this Province.

Passed 7th April 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the services of the Clerk of the Circuit Courts in this Province*, be and the same is hereby further continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty seven.

CAP. XLVI.

An Act to provide for insuring the Legislative Library against loss or damage by Fire.

Passed 7th April 1852.

WHEREAS it is desirable that the Legislative Library of this Province should be secured against loss or damage by fire;

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

Authority to insure the Legislative Library against fire, in the names of the President of the Council and Speaker of the Assembly.

1. It shall be lawful for any Committee having the charge and superintendence of the Legislative Library of this Province, at all times to insure and to keep insured the said Legislative Library against loss or damage by fire, in such Insurance Office or Offices as they may think fit, and to effect any such insurance and take the policy or policies therefor in the joint names of the President for the time being of the Legislative Council and of the Speaker for the time being of the House of Assembly of this Province.

Policy to have the same effect as if the President and Speaker were joint owners.

2. Every such insurance so effected, and every policy of insurance so granted and taken, shall have the same effect in law as if the said President and Speaker were the joint owners of the property so insured; and in every case of loss or damage by fire during the continuance of any such insurance and policy, the said President and Speaker shall be and they are hereby authorized and entitled to demand and recover the insurance, or value thereof, under and upon the terms of such policy, in the same manner in all respects as any insurance or amount insured may be legally recovered by any private insurer or owner of insured property; and in case of the death of such President of the Legislative Council or of such Speaker of the House of Assembly respectively, all the rights and powers aforesaid shall enture to the survivor of them; and in case of any vacancy other

Proviso for death.