

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1860.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1860.

23 Victoria – Chapter 3

**An Act in amendment of the Law relating to Courts of Probate. Passed 8th March 1860.**

Section.

1. On decree of performance of Contracts, Judge may direct conveyance of Land to be executed.

Section.

2. Bond to be taken in lieu of recognizance from Guardians: suit: maintenance and education.  
Form of Bond.

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

1. Whenever any Judge of Probates may after the hearing decree that specific performance shall be made of any Contract under the provisions of Section 43, of Chapter 136, of the Revised Statutes, he may direct a conveyance of the land in question to be executed by any infant heir, or guardian or person appearing on the infant's behalf, or by the person decreed to convey the same under the Contract, or by the Registrar of the Court as the officer thereof; the whole to be done under the sanction and with the approbation of the Judge, and on such terms with respect to the payment of any money which may be due, or any condition to be performed by the party seeking for the specific performance within the conditions of the Contract, and with respect to the costs of the proceeding as may by the said Judge be deemed just.

2. Whenever under the provisions of the forty fourth Section of the said Chapter 136, a guardian shall be appointed for the estate of any infant, the Judge of Probates who may order the appointment of such guardian, shall in lieu of the recognizance therein mentioned, take from him a Bond (A) in the name of such Judge, with one or more sufficient sureties; and on the application of the infant, his next friend, or any person interested, the Judge may, if satisfied of the necessity thereof, order the said Bond to be put in suit in the name of the Judge for the time being, and on such terms as he shall therein prescribe: The Judge of Probates may also on appointment of such guardian, or at any time afterwards, order an allowance to the infant out of the income of the estate, or if insufficient out of any available proceeds thereof, for the maintenance and education of such infant.

(A)

Know all men by these presents, that we, [the guardian] and [the sureties] are jointly and severally bound unto the Judge of Probates for the County of \_\_\_\_\_ in the sum of [double the amount or thereabouts of the alleged value of the estate] to be paid to him. Sealed and dated this \_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

The condition of this obligation is such, that if the above bounden \_\_\_\_\_ do and shall faithfully discharge the duties of guardian of the estate of \_\_\_\_\_ an infant under the age of twenty one years, and, when maintenance may be ordered by the Judge of Probates, pay and lay out from the income, or if insufficient, from the available proceeds of the estate of such infant, the sum of \_\_\_\_\_ annually for his maintenance and education until he shall become of lawful age, and shall at all times duly account for such estate when called upon by the said Judge of Probates, in the Probate Court before him, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered }  
in the presence of }