

good and sufficient deed, to convey to the said Thomas Baillie, his heirs and assigns the said hereinbefore described piece or tract of Land being part of the said Glebe of the said Parish of Fredericton as aforesaid; To hold the same to him the said Thomas Baillie, his heirs and assigns forever; saving nevertheless the Right and Title of the King's Majesty, his Heirs and Successors, and of every other person or persons body-politic and corporate, excepting the said Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, and the Parson and Minister of the said Church, and the said Thomas Baillie, and any person or persons claiming by, from or under them, or any of them.

This to be deemed a Public Act.

II. *And be it further enacted*, That this act shall be deemed and taken to be a Public Act, any thing to the contrary thereof in anywise notwithstanding.

## CAP. VII.

An Act in further amendment of an Act, intituled "An Act subjecting Real Estates in the Province of New-Brunswick to the payment of Debts, and directing the Sheriff in his proceedings thereon."

Refer to 26 Geo. 3, c. 12.

*Passed the 19th March, 1827.*

**W**HEREAS the entering at full length the Records of all Judgments before Executions can issue thereupon against Real Estate, and also the said Executions, in a Book kept in the Office of the Clerk of the Supreme Court, is attended with great inconvenience and expence; and it is considered that the advantages which such a regulation was intended to effect, may be obtained to the full extent by keeping and entering a Docket, or Memorandum, of all Judgments of the said Court, accessible to all persons at proper times.

Preamble.

I.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the first day of May next, all that part of an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act subjecting Real Estate in the Province of New-Brunswick, to the payment of debts, and directing the Sheriff in his proceedings thereon," which requires the Process against real Estates, and the Record of the Judgments to be inspected and certified, and the said Judgment and Process with such Certificate. to be recorded in a Book, by the Clerk of the Supreme Court, to be kept for that purpose, shall be and the same is hereby repealed; *Provided always,* that nothing herein contained shall extend, or be construed in anywise to cause the reversal of any Judgment or Process for Error to operate against any bona fide purchaser under a Process against Real Estate although such Judgment or Process be not certified and recorded in the manner mentioned in the said Act.

Part of the 26 Geo.  
5, c. 12, repealed.

Not to cause reversal of Judgment to operate against any bona fide purchaser.

II. *And be it further enacted,* That from and after the said first day of May next, the Clerk of the Pleas in the Supreme Court, shall make or cause to be made and put into an alphabetical Docket by the Defendant's names, a particular of all Judgments entered in the said Court, which shall contain the name and names of the Plaintiff or Plaintiffs, the name and names of the Defendant or Defendants, and the Debt, Damages, and Costs recovered thereby, and in what County, or City and County, the respective Actions were laid, the time of signing the Judgment, and the number of the Roll; and that the said Docket shall be fairly put into and kept in a Book in the Office of the said Clerk, to be searched and viewed, by all persons at all reasonable times, paying the legal and accustomed fees for a search in the said

Clerk of Supreme Court to make an alphabetical docket by Defendants name of all Judgments entered in the Court

To contain the names of Plaintiffs and Defendants, amount of debt, damages and costs place where the action was laid, date of signing Judgment, and number of the roll.

To be open for search at all reasonable times on payment of fees.

said office : and that in order to the making such Docket, every Attorney of the said Court; on taking in the Judgment Roll, shall deliver, or cause to be delivered to the said Clerk, a Docket paper or entry containing all the particulars aforesaid, except the time of signing the Judgment, and the number of the Roll.

Attornies to deliver a Docket paper containing the above particulars,

No Execution to issue and Real Estate not to be affected by any Judgment not docketed and entered as mentioned before.

III. *And be it further enacted,* That no Judgment not docketted and entered in the manner mentioned in the last foregoing Section of this Act, shall in any manner whatever affect or bind any Lands, Tenements, or Real Estates, nor shall any Execution, or other Process, issue on any Judgment not so docketted and entered.

The copy of a docket certified by the Clerk or his Deputy to be admitted as evidence in all Courts

IV. *And be it further enacted,* That a Copy of the Docket of every such Judgment taken from the said Book of Dockets, and certified under the hand of the said Clerk of the Pleas, or his Deputy, shall be evidence of the docketting of such Judgment in all Courts whatever.

Fees payable to the Clerk for services under this Act.

V. *And be it further enacted,* That the following fees shall be paid to the said Clerk of the Pleas in the Supreme Court, for filling up the date and number in the Docket, and entering the particulars of Judgments in manner hereinbefore directed, that is to say, for every Judgment where the amount recovered does not exceed Twenty-five Pounds, one Shilling ; for every Judgment where the amount recovered is over Twenty-five Pounds, and does not exceed Two Hundred Pounds, One Shilling and Six pence. For every Judgment where the amount recovered is over Two Hundred Pounds, and does not exceed One Thousand Pounds, Two Shillings. For every Judgment, where the amount recovered is over One Thousand Pounds, Three Shillings ; and for each certified copy of the entry of a Judgment taken from the Book, One Shilling.

VI.

VI. *And be it further enacted*, That one of the places of advertising the time and place of any Sale, to be made by the Sheriff of any Lands, Houses, Real Estate or Hereditaments as required by the said recited Act, shall in those Counties where no Newspaper is published, be within the office of the Register of Deeds of the said Counties respectively; and such Registers are hereby required to allow the same to be made in their respective offices.

The Register of deeds, in Counties where no Newspaper is published, required to allow the advertisement of the sale of real estate to be made in his office.

## CAP. VIII.

An Act to provide for the Registering of Judgments and Recognizances which are intended to bind or affect Real Estates.

Refer to 26. G. 3.  
L. 6.

*Passed the 19th March, 1827.*

I. **BE** it enacted by the Lieutenant-Governor, Council and Assembly, That no Judgment or Recognizance, (other than such as shall be entered into in the name and upon the proper account of His Majesty, His Heirs and Successors) which shall be obtained or entered into after the first day of May next, shall affect or bind any Lands, Tenements, or Hereditaments, situate, lying and being in any County, or City and County, within the Province, against any subsequent purchaser or mortgagee for valuable consideration, but only after the time that a memorial of such Judgment or Recognizance shall be entered at the Register's Office of such County, or City and County, expressing and containing, in case of such Judgment, the names of the Plaintiffs and Defendants, the sums thereby recovered and the time of the signing thereof; and in case of Recognizances, expressing and containing the date of such Recognizance, the names and additions of the Cognizors and Cognizees therein, and for what sums and before whom the

Judgments and recognizances not to affect lands &c. until a memorial thereof properly attested and containing all necessary particulars be entered at the Register's office in the County or City and County where the lands &c. are situate except in Crown cases.

same