

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 26.69.
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

The party desiring an entry to be made to leave with the Register to be filed in his office a memorial of the Judgment or recognizance

same were acknowledged; and that in order to the making an entry of such memorials of Judgments and Recognizances as aforesaid, the Party or Parties desiring the same shall produce to and leave with the Register, to be filed in the Register Office, a memorial of such Judgment or Recognizance, signed by the proper Officer, or his Deputy, together with an affidavit sworn before one of the Judges of the Supreme Court, or any Commissioner appointed to take affidavits to be read in the Supreme Court (other than the Attorney in the suit) that such memorial was duly signed by the Officer whose name shall appear to be thereunto set; which memorial such officer is hereby required to give such Plaintiff or Plaintiffs, Defendant or Defendants, Cognizee or Cognizees, his, her or their Executors, or Administrators, or Attorney or any of them, he, she or they, paying for the same the sum of One Shilling and no more.

The Register to give certificates of the entry of memorials and these to be admitted as evidence of such entry in all courts.

II. *And be it further enacted*, That the said Register shall make an entry, and likewise (if required) shall give a certificate in writing under his hand of every such memorial of any Judgment or Recognizance brought to him to be so Registered as aforesaid, and therein mention the certain day on which such memorial is so entered or registered, expressing also in what book, page and number the same is entered; and that the fee to such Register for each entry shall be One Shilling, and for each certificate One Shilling, and that such certificate shall be taken and allowed as evidence of the Registry of such memorial in all Courts whatsoever.

Fees one Shilling.

On production of a certificate duly attested and sworn to that the monies due upon any Judgment have been paid the

III. *And be it further enacted*, That in case of Judgments or Recognizances whereof memorials shall be entered in the Register Office of any County, or City and County, pursuant to this Act, if at any time afterwards, a certificate shall

shall be brought to the Register signed by the Plaintiff or Plaintiffs in such Judgment, Defendant or Defendants in case the Judgment be for such Defendant or Defendants, and Cognizee or Cognizees in such Recognizance, his, her, or their lawful Attorney, Executors or Administrators, and attested by two witnesses, whereby it shall appear, that the monies due upon or by virtue of such Judgment or Recognizance have been paid and satisfied in discharge thereof; which witnesses, or one of them, shall upon oath before one of the Judges of the Supreme Court, or any of the Commissioners as aforesaid, or the said Register, prove that the said Plaintiff or Plaintiffs, Defendant or Defendants, Cognizee or Cognizees, or his, her, or their lawful Attorney, Executors or Administrators, signed such certificate and acknowledged such payment or satisfaction; or if a certificate is produced to the Register signed by the proper officer or his deputy, and duly proved in the manner directed by the first Section of this Act, that satisfaction of such Judgment or Recognizance has been duly entered up of Record; or that an execution issued upon such Judgment has been returned duly satisfied, that then and in every such case the said Register shall make an entry in the margin of the said Registry Book against the Registry of the memorial of such Judgment or Recognizance, that the same was satisfied and discharged, according to such certificate, to which the same entry shall refer, and shall after file such certificate to remain upon Record in the said Register Office; and that the fee to the Register for such entry, shall be One Shilling and no more, and to the Officer for such certificate shall be One Shilling and no more.

Register to make an entry opposite to the Registry of the memorial of the satisfaction of the same.

And file such certificate to remain on record.

Fees of Register and Officer.

IV. *And be it further enacted*, That no Judgment or Recognizance (except as before excepted

Six months after the passing of this Act, lands, &c. to be affected by

Judgment only from the date of the entry of the memorial except in Crown cases.

ed) already recovered or entered into, or which may be recovered or entered into, on or before the said first day of May next, shall after the expiration of six months from the passing of this Act, affect or bind any Lands, Tenements or Hereditaments, against any subsequent Purchaser or Mortgagee for valuable consideration, unless a memorial thereof, duly signed and proved as before directed, shall be entered in the Register Office of the County, or City and County, wherein such Lands, Tenements or Hereditaments are situate, within six months from the passing of this Act, except only from the time of entering such memorial.

Not to affect the priority given in and by 26 Geo. 3, c. 13.

V. *Provided always, and be it further enacted,* That nothing in this Act contained, shall extend or be construed to affect the priority given in and by an Act made and passed in the twenty-sixth year of His late Majesty's Reign 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," to Executions which may be taken out and executed upon Real Estates within the Province.

Judgments of or Recognizances in any Inferior Court not to affect Lands &c. except in Crown cases.

VI. *Provided also, and be it further enacted and declared,* That no Judgment of any Inferior Court or Recognizance entered into before any Inferior Court or Judge thereof (other than such as shall be entered into in the name of His Majesty, His Heirs and Successors) shall affect or bind any Lands, Tenements or Hereditaments within this Province, any Law, usage or custom to the contrary notwithstanding.

VII. *And whereas* it has been customary in several of the Counties of this Province, to keep separate books of Record of different sorts of Instruments affecting Lands, which may lead to serious

serious difficulties from Deeds of the same date affecting the same lands being entered in different books at the same time. *Be it further enacted*, that from and after the said first day of May next, only one book of Records shall be kept in each County, and all Deeds, Instruments or Memorials entered therein, shall be numbered in the order in which they are entered.

Only one Book of Record to be kept in each County and all Deeds, &c. to be numbered in the order as entered.

CAP. IX.

An Act further to alter and amend an Act intituled, "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication."

Refer to 3rd Geo. Geo. 3, c. 5.

Passed the 19th March, 1827.

WHEREAS it is expedient to limit the number of Magistrates authorised to solemnize matrimony within this Province,

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the first day of July next, no Justice of the Peace or Quorum shall solemnize or celebrate Marriage between any persons whatsoever within this Province, unless such Justice shall be especially authorized and commissioned to perform such Ceremony by Warrant or Commission from the Lieutenant-Governor or Commander-in-Chief of the Province, and then only when there shall be no Parson, Vicar, Curate, or other person in Holy Orders of the Church of England resident and officiating in the said Parish.

No Justice of the Peace or Quorum to celebrate marriage without a commission from the Governor,

And then only when no Clergyman of the Church of England resides and officiates in the Parish.

II. *And be it further enacted*, That such and so many Justices of the Peace being of the Quorum shall be appointed by the Lieutenant-Governor, or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council, and commissioned under

Governor with the advice of Council to commission Justices to celebrate marriage.

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