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*Repealed by 10/10/10
C. 42*

CAP. XXXIII.

An Act in addition to the Registry Acts of this Province.

Passed 19th March 1841.

Preamble.

2 Vic. C. 43.

2 Vic. C. 43 repealed.

No Mortgage &c. to have priority by reason of being held with another Mortgage &c.

Registry of Memorial of Judgment to be void unless registered within five years before a subsequent deed.

WHEREAS it was the object and intention of an Act made and passed in the second year of the Reign of Her present Majesty, intituled "An Act to declare the priority of Registered Deeds and other incumbrances upon Land," to declare the Law as it stands under the Registry Acts of this Province with regard to tacking together mortgages and other incumbrances on Land: And whereas doubts are entertained whether the terms used in the said Act will not give it a more extensive operation than was intended; for remedy whereof,

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act be and the same is hereby repealed: and in lieu thereof,

II. Be it declared and enacted, That no mortgage, judgment or other incumbrance on Land, shall have any priority or effect by reason of being held by or vested in the same person with another mortgage or incumbrance of prior date and registry, any law, usage or custom to the contrary notwithstanding.

III. And be it enacted, That from and after the first day of May which will be in the year of our Lord one thousand eight hundred and forty two, Judgments of the Supreme Court of this Province shall after the expiration of five years from the time of the registry of a Memorial thereof, as required in and by the provisions of an Act made and passed in the eighth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to provide for the registering of Judgments and Recognizances which are intended to bind or affect real estate," be null and void against any Lands, Tenements or Hereditaments as to purchasers or mortgagees for valuable consideration, unless a like Memorial as was required in the first instance, is again registered within five years before the deed or instrument of conveyance to any such purchaser or mortgagee is duly registered: Provided always, that any bona fide sale of such Lands, Tenements or Hereditaments which may have taken place under execution issued on any such Judgment, before the registry of the deed or conveyance to such purchaser or Mortgagee shall in no wise be affected by this Act.

*Instrument
5/7/41
Proviso.*

CAP. XXXIV.

An Act imposing Duties for raising a Revenue.

Passed 26th March 1841.

WE, Her Majesty's dutiful and loyal Subjects, the Assembly of New Brunswick in General Assembly convened, for raising the necessary supplies to defray the expenses of Her Majesty's Government within this Province, have freely resolved to give and grant to the Queen's Most Excellent Majesty the several rates and duties in the Schedule hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted;

Duties granted for the use of the Province and support of the Government on articles specified in the Schedule.

I. And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly, and by the authority of the same, that on and after the first day of April which will be in this present year of our Lord one thousand eight hundred and forty one, there be and are hereby granted to the Queen's Most Excellent Majesty, Her Heirs and Successors, for the use of this Province and for the support of the Government thereof,

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