

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1827. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1827.

8 George IV – Chapter 7

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.” Passed the 19th March, 1827.

Whereas 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.

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That from and alter 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be recorded in a Book, by the Clerk of the Supreme Court, to be kept for that purpose, shall be and the same is hereby repealed; Provided always, that nothing herein contained shall extend, or be construed in anywise to cause the reversal of any Judgment or Process for Error to operate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.

II. And be it further be 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 into the said Court, which shall contain the name and names of the Plaintiff or Plaintiffs, the name or names of the Defendant or Defendants, and the Debt, Damages, and Costs recovered thereby, and in what Country, or City and Country, 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 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.

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.

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, on his Deputy, shall be evidence of the docketting of such Judgment in all Courts whatever.

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 herein-before 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 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. 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.