

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1837. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1837.

7 William IV – Chapter 15 (Session 1)

An Act in addition to the Acts relating to the public registry of Deeds in this Province. Passed 1st March 1837.

‘Whereas it is expedient to provide under certain regulations and restrictions for the admission in evidence of copies of deeds which may have been duly registered in this Province;’

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any suit in any Court of law or equity in this Province where any party may be desirous of giving in evidence any deed or instrument which may have been duly registered pursuant to the Act or Acts of Assembly in such case made and provided, and which may be relevant to the matter in question, such party may produce in evidence a copy of the registry of such deed or instrument certified under the hand of the Register of the County where the same may be registered, which copy shall in the absence of the original deed or instrument be received and allowed as good and sufficient evidence of the contents of such original deed or instrument: Provided, always, that before any such copy shall so be received in evidence, it shall be made to appear to the satisfaction of the Court, by affidavit, that such original deed or instrument, is not in the possession or under the control of the party so offering such copy in evidence, and that such party doth not know where the same may be found: Provided also, that it least fourteen days notice in writing be given to the adverse party, his attorney or agent of the intention to offer such certified copy, and of the affidavit herein before required; and the due service of such notice with the requisite accompaniments shall also be proved either viva voce or by affidavit to the satisfaction of the Court.

II. And be it enacted, That no certified copy of the registry of any deed shall be received in evidence otherwise than is herein before provided, unless by consent of parties, or unless it shall be made to appear to the satisfaction of the Court at which the trial may be had that the original deed is in the possession of the adverse party, and that due notice has been given to such party to produce the same at the trial, any thing contained in an Act passed in twenty sixth year of the reign of King George the Third, intituled “An Act for the public registering of all deeds, conveyances and wills, and other incumbrances which shall be made of, or that may affect any lands, tenements or hereditaments within this Province,” or any other Act or Acts of Assembly to the contrary thereof in any wise notwithstanding.

III. ‘And whereas it is expedient to declare the law respecting the registry of letters or powers of attorney relating to lands, tenements or hereditaments;’ Be it declared and enacted, That every letter or power of attorney or other deed or instrument whereby power of authority is given to convey, transfer or affect any lands, tenements and hereditaments in this Province, may be registered in the same manner as any deed or conveyance; provided the same shall have been duly acknowledged or duly approved in the same manner as is required by the Act or Acts of

Assembly for the acknowledging or proving of any deed or conveyance before registry; and that the registry of any deed or conveyance made and executed by virtue of any such power or authority shall not be valid and effectual unless the deed or instrument granting such power or authority, or some deed or instrument subsequently confirming the same, shall be duly registered in the office of Register of deeds for the County or City and County in which the lands, tenements or hereditaments to which the same may relate are situate.

IV. 'And whereas doubts have arisen whether the provisions relating to giving deeds and copies of deeds in evidence, contained in the eleventh section of the said Act passed in the twenty sixth year of the reign of King George the Third, extends to deeds which have been duly registered on the proof of a subscribing witness, and have not been acknowledged by the grantor or bargainor;' Be it declared and enacted, That the several provisions of the said section shall extend to and embrace as well all such deeds and conveyances as have been or may hereafter be duly executed, proved and registered, as those which have been duly executed, acknowledged and registered by virtue of the said Act or any Act passed in addition thereto or in amendment thereof.