

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1841. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 33

An Act in addition to the Registry Acts of this Province. Passed 19th March 1841.

'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 therefore 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by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act be and the same is hereby repealed: and in lieu thereof,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.