

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1848. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1848.

11 Victoria – Chapter 17

An Act to amend the Law relating to the Registry of Deeds and other Instruments. Passed 30th March 1848.

Whereas it frequently happens that a last Will and Testament relating to Lands situate in several Counties is proved before the Surrogate of some County, and filed in the office of the Register of Probates before the devisees or others interested in the said Will can have any opportunity of having the original Will registered in the office or offices of the Register of Deeds of the County or Counties in which the lands mentioned or devised in and by such Will may be situate, by reason whereof the devisees or others interested are unable to have such Will duly proved and registered agreeably to the provisions and for the purposes mentioned in the Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Registry of Deed's and other Instruments*; for remedy whereof, it is considered desirable to provide for the registry of a certified copy of such Will;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any case where any such Will may have been proved before the Surrogate of any County, and Letters Testamentary or of Administration *cum testamento annexo* may by such Surrogate have been granted, and the original Will filed with the Register of Probates, a copy of such Will, certified under the hand of such Register of Probates as being a true copy of the Will proved before the Surrogate, and filed in his office, may be registered in the office of the Register of Deeds in any County in this Province, without further proof than the production of such certificate; which Registry shall have the like force and effect in all respects the same as if the original Will had been duly proved and registered in the County where such copy is so registered, agreeably to the directions of the said recited Act.

II. And whereas doubts have arisen as to the proper mode of taking the proof of Deeds made by a Corporation for the purpose of Registry, and it is desirable to declare the Law in this respect; Be it therefore declared and enacted, That the proof of any such Deed, for the purpose of Registry, may be by the subscribing witness proving before the like authorities as in other cases provided for in said recited Act, that the Seal thereto affixed is the Seal of the said Corporation; a certificate of which proof shall be endorsed on such Deed, as in other cases.

III. And. whereas it is considered expedient to make further provision for the entry of satisfaction of any judgment whereof a memorial may now or hereafter be registered; Be it therefore enacted, That the plaintiff in any judgment, or the defendant, in case the judgment be for the defendant, whereof a memorial may have been registered, his executors, administrators or assigns, may acknowledge the payment, and cause satisfaction thereof to be entered in the margin of the Registry Book against the Registry of such memorial, and subscribe his proper hand and name thereto, in presence of the Register, who shall also sign his name as a witness thereto;

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which entry of satisfaction so made, shall be as effectual to all intents and purposes as if satisfaction had been certified, registered and entered agreeably to the provisions of the twenty first section of the said recited Act.