

mentioned, alleged by way of set-off on the part of any defendant, either by plea, notice or otherwise.

V. And be it enacted, That no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age, of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

As to ratification of promise made during non-age.

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VI. And be it enacted, That no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain money, goods or credit thereupon, unless such representation or assurance be made in writing signed by the party to be charged therewith.

As to representation regarding the character, credit, &c. of a third party.

VII. And be it enacted, That the seventeenth section of an Act passed in England, in the twenty-ninth year of the Reign of King Charles the Second, intituled, *An Act for the prevention of Frauds and Perjuries*, shall extend to all contracts for the sale of goods of the value of Ten Pounds currency, and upwards, notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

Statute of Frauds extended to contracts for goods to be delivered at a future time, &c.

VIII. And be it enacted, That this Act shall extend to Upper Canada alone, and shall take effect and commence on the First day of January, one thousand eight hundred and fifty-two.

Extent of Act. Commencement.

CAP. LXII.

An Act to alter and amend the Act requiring Mortgages of Personal Property in Upper Canada to be filed.

[24th July, 1850.]

WHEREAS the Law now in force in Upper Canada requiring Mortgages of Personal Property to be filed requires amendment, so as to require that every sale of goods and chattels which shall not be accompanied by an immediate delivery and be followed by an actual and continued change of possession of the things sold, shall be in writing; and so as to require that a copy thereof be filed in the same manner as a mortgage or conveyance by the said Act is required to be filed; and so as to require an affidavit that the mortgages and conveyances mentioned in the said Act, and the bills of sale in writing mentioned in this Act, are *bonâ fide* and just and not for the purpose of protecting such goods and chattels in the possession of the mortgagee, or bargainee against the creditors of the mortgagor or bargainor: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the first Section of the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act requiring Mortgages of Personal Property in Upper Canada to be filed*, be and the same is hereby amended by adding to the end thereof, as follows: " And that every sale of goods and chattels which shall not be accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods and chattels sold, shall be in writing, and such writing shall be a conveyance under the provisions

Preamble.

Sect. 1. of 12 Vict. c. 74, amended.

The amendment as to sales of goods not immediately delivered.

Affidavit required.

provisions of the said Act ; and that the mortgages and conveyances mentioned in the said Act and the writing or conveyance mentioned in this Act, shall be accompanied with an affidavit of the mortgagee or bargainee of such goods, sworn before a Commissioner of the Queen's Bench or Common Pleas, to the effect,—in the case of a mortgage, that the mortgagor therein named is justly and truly indebted to the mortgagee in the sum mentioned in the said mortgage, that it was executed in good faith and for the express purpose of securing the payment of the money so justly due, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagor,—and in case of an absolute sale, that the sale is *bonâ fide* and for good consideration (setting it forth) and not for the purpose of holding or enabling the bargainee to hold the goods mentioned therein against the creditors of the bargainor ; otherwise such mortgage or sale shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith."

CAP. LXIII.

An Act to amend the Registry Law of Upper Canada.

[10th August, 1850.]

Preamble.
9 Vic. c. 31, cited,

WHEREAS by an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, provision was made for the registration of judgments entered up in any suit or action, in any Court of Record in Upper Canada, and it was therein enacted, That every such judgment shall affect and bind all the lands, tenements and hereditaments belonging to the party against whom such judgment is rendered, from the date of the recording of the same in the County wherein such lands, tenements or hereditaments lie, in like manner as the docketting of judgments in England affects and binds lands : And whereas at the time of the passing of the aforesaid Act, the practice of docketting judgments had been discontinued in England, and whereas doubts have in consequence been entertained as to the effect of the aforesaid provision : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any judgment hereafter duly certified and registered as in the said Act provided, shall affect and bind the lands, tenements and hereditaments therein specified, in like manner as a judgment of any of Her Majesty's Superior Courts at Westminster when duly docketted would have bound lands before the practice of docketting judgments had been discontinued in England : Provided that nothing in this section contained shall be construed as declaratory of the meaning of the said Act ; and provided also, that whenever any judgment shall have been registered before the passing of this Act, the party in whose favor the same shall have been rendered, may require the Register of any County to mark on the margin of such registry, and sign the same, registered this day of A. D. eighteen and such entry of registry shall have the same effect from such date as if it had been registered under this section.

Meaning of the above
Act declared.

Proviso.

Proviso.

How registered judgments shall affect
lands, &c.

II. And be it enacted, That a judgment to be entered up against any person in any Court of Record in Upper Canada, after the First day of January, one thousand eight hundred and fifty-one, shall operate as a charge, so soon as a certificate of such judgment shall have been duly registered, upon all lands, tenements and hereditaments situate within the County where such certificate shall have been registered as aforesaid, of or
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