

An Act to continue and amend "An Act for regulating the inspection of Fish, to be consumed within this Province."

Passed the 19th March 1827.

WHEREAS the Provisions of an Act entitled "An Act for regulating the Inspection of Fish to be consumed within the Province" passed in the fourth year of His Majesty's Reign, apply to Pickled Herrings only.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That after the passing of this Act, that each and every provision contained in the aforesaid Act shall equally extend to all other sorts and kinds of Pickled Fish whatsoever.

II. And be it further enacted, That this Act, together with the Act of which it is an amendment, shall continue and be in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and twenty nine.

An Act to authorise the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, to convey a certain piece of the Glebe land of the said Parish, in exchange for other land.

Passed the 19th March 1827.

WHEREAS the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, have, by and with the consent of the Venerable Archdeacon George Best, the present Rector, or Minister, of the said Parish, and Ecclesiastical Commissary for the Province; and with the approbation of the Right Reverend the Lord Bishop of Nova Scotia, agreed with Thomas Baillie of Fredericton aforesaid Esquire, a Member of His Majesty's Council for the Province of New-Brunswick, for the conveyance and assurance to him the said Thomas Baillie, of a certain piece or tract of land in the said Parish of Fredericton, being part of a lot or tract of land heretofore granted by Letters patent under the Great Seal of this Province to the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, as a Glebe for the use, benefit and behoof, of the Rector, Parson or Minister of the said Parish, for the time being; which piece or tract of land is bounded and described as follows; to wit;

Beginning at a Dry Hemlock Stump marked C. T., standing on or near the South-westerly bank or shore of the River Saint John, about forty nine rods above the mouth of Phillis's Creek, at the lower or South-easterly corner of lot number One, formerly granted to Cornelius Thompson, in the Grant of Block number Two, or second Battalion of New Jersey Volunteers, thence running by the Magnetic Needle (of 1799) South thirty two degrees West, ninety two chains, of four Poles each, along the line of blazed trees marked A. R., being the lower or South-easterly line of the said lot number One, thence South sixty six degrees East, ten chains to a dead Hemlock blazed and notched, standing on the western angle of Land granted to Isaac Hedden Esquire, thence along the Northwesterly line of the said last mentioned Grant, North forty four degrees East, eighty one chains, or until it meets the main branch of Phillis's Creek aforesaid, thence along the said branch of the said Creek following its several courses down Stream along the middle thereof to its discharge in the River Saint John, thence along the Southwesterly bank or shore of said River following its several courses up Stream until it meets the bounds first mentioned, or a line running North thirty two degrees East therefrom, containing in the whole one hundred and fifty acres, more or less, with the usual allowance of ten

per cent for roads and waste — In exchange for a certain other piece or parcel of Land situate, lying and being, in the Parish of Kingsclear in the County of York, and bounded and described as follows, to wit: Beginning at a stake and stones on or near the Southwesterly bank or shore of the River St. John at the lower or Southeasterly corner of lot number Two in the Grant of Block number Two or second Battalion of new Jersey Volunteers, thence running by the Magnetic needle (of 1799) South thirty one degrees West, twenty five chains of four Poles each, along the lower or Southwesterly line of the said lot number Two, to the King's Highway, thence Southeast-erly along the North side of the said High-way eleven chains and fifty links or to the Northwesterly line of land owned by Frederick Wentworth Winslow, thence along the said line North thirty one degrees and thirty minutes East, twenty six chains, or to the bank or shore of the River Saint John aforesaid, and thence along the South-westerly bank or shore of the said River following its several courses up Stream to the first mentioned bounds, containing thirty acres, more or less, together with all Houses, Buildings and other Improvements and appurtenances thereunto belonging; which said last mentioned piece or parcel of land, tenements and premises, the said Thomas Baillie hath agreed to convey and assure to them the said Rector, Church Wardens and Vestry, and their Successors in perpetuity, to the use, benefit and behoof of the Rector, Parson or Minister of the said Church, and his Successors forever, in lieu of the said herein before described piece or tract of the said Glebe, of the said Parish of Fredericton, so agreed to be conveyed to the said Thomas Baillie as aforesaid.

And whereas it is expedient, and will be for the benefit of the said Church, that the said agreement should be carried into effect, for the perfecting of which said agreement, and for carrying the same into full force and effect,

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That upon the receipt of a good and sufficient Title, conveyance and assurance from the said Thomas Baillie, of the said last hereinbefore described piece or parcel of land, tenements and premises so agreed to be conveyed by the said Rector, Church Wardens and Vestry of the said Church, and their Successors, to the use, benefit and behoof of the said Rector, Parson or Minister of the said Church, and his Successors forever, they the said Rector, Church Wardens and Vestry of Christ Church in the Parish of Fredericton, be and they are hereby authorized and empowered by a good and sufficient deed, to convey to the said Thomas Baillie, his heirs and assigns, the said hereinbefore described piece or tract of land being part of the said Glebe of the said Parish of Fredericton as aforesaid: To hold the same to him the said Thomas Baillie his heirs and assigns forever; saving nevertheless the Right and Title of the King's Majesty, his Heirs and Successors, and of every other person or persons body politic and corporate, excepting the said Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, and the Parson and Minister of the said Church, and the said Thomas Baillie, and any person or persons claiming by from or under them or any of them.

II. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, any thing to the contrary thereof in anywise notwithstanding.

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 enacting at full length the Records of the 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 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 after 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 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 in the said Court, which shall continue the name and names of the Plaintiff or Plaintiffs, the name and names of the Defendant or Defendants, and the Debt, Damages, and Costs recovered thereby, and in what County, or City and County, 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 docketed and entered in the manner mentioned in the last foregoing Section of this Act, shall in any manner what ever affect or bind any Lands, Tenements, or real Estates, nor shall any Execution, or other process, issue on any Judgment not so docketed 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, or his Deputy, shall be evidence of the docketing 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 hereinbefore 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 amount 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.

An Act to provide for the Registering of Judgments and Recognizances which are intended to bind or affect Real Estates.

Passed the 19th March 1827.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That no Judgment or Recognizance, (other than such as shall be entered into in the name and upon the proper account of His Majesty, His Heirs and Successors) which shall be obtained or entered into after the first day of May next, shall affect or bind any lands, tenements or hereditaments situate lying and being in any county, or city and county, within the Province, against any subsequent purchaser or mortgagee for valuable consideration, but only after the time that a memorial of such Judgment or Recognizance shall be entered at the Register's office of such county, or city and county, expressing and containing, in case of such Judgment, the names of the Plaintiffs and Defendants, the sums hereby recovered and the time of the signing thereof; and in case of Recognizances, expressing and containing the date of such Recognizance, the names and additions of the cognizors and cognizees therein, and for what sums and before whom the same were acknowledged; and that in order to the making an entry of such memorials of Judgments and Recognizances as aforesaid, the party or parties desiring the same shall produce to and leave with the Register, to be filed in the Register office, a memorial of such Judgment or Recognizance, signed by the proper officer or his deputy, together with an affidavit sworn before one of the Judges of the Supreme Court, or any commissioner appointed to take affidavits to be read in the Supreme Court (other than the Attorney in the suit) that such memorial was duly signed by the officer whose name shall appear to be thereunto set, which memorial such officer is hereby required to give such Plaintiff or Plaintiffs, Defendant or Defendants, cognizee or cognizees, his her or their executors or administrators, or Attorney or any of them, or she or they paying for the same the sum of one shilling and no more.

H. And be it further enacted, That the said Register shall make an entry, and likewise (if required) shall give a certificate in writing under his hand of every such memorial of any Judgment or Recognizance brought to him to be registered as aforesaid, and therein mention the certain day on which such memorial is so entered.