

Revised? by No 2
1865-6



1852.

No. 19.

Revised by No 2 - 1862

An Act to amend an Act to provide for the Registration of Deeds, Wills, Conveyances, and other Instruments.

[Assented to 2nd December, 1852.]

WHEREAS it is expedient to amend the system of Registration established by the Act, of the fifth year of the Reign of Her present Majesty, entitled "An Act to provide for the Registration of Deeds, Wills, Conveyances, and other Instruments:" in manner hereinafter provided: Preamble.

Be it therefore Enacted, by His Excellency the Lieutenant-Governor of the Province of South Australia, with the advice and consent of the Legislative Council thereof, That in every index of memorials of wills, deeds, and other instruments, there shall be inserted, in addition to the particulars by the said Act required to be inserted, the number and description of any section of land or town acre the whole or any part whereof may be devised, conveyed, charged, or affected by such will, deed, or other instrument. Indexes to contain description of land conveyed.

2. And be it Enacted, That in the place of the fees by the said Act directed to be paid in respect of enrolling any instrument, there shall be paid and payable the fees mentioned in Schedule A to this Act annexed. Fees payable.

3. And be it further Enacted, That it shall be lawful for any person to deposit in the Registry Office, in the said recited Act mentioned, for safe custody and reference, any deed or instrument in writing, purporting to be a power of attorney, without previously registering the same, and the Registrar or Deputy-Registrar shall receive

p/s: custody

receive the said deed or instrument, and enter a memorandum of such deposit, and the date thereof, in a book to be kept for that purpose, to which book there shall be an accurate alphabetical index, having reference therein, as well to the name of the donor of the powers in such deed or instrument contained, as to the name of the donor thereof, and the Registrar shall carefully and securely keep all such deeds and instruments in the Registry Office, and shall not permit them afterwards to be removed therefrom: Provided always, that upon every such deposit being so made as aforesaid, the person or persons depositing the said deed or instrument shall leave with the Registrar, or Deputy-Registrar, a full and accurate copy of the same, written in a fair, legible hand, and also a like copy of all verifications (if any) of the due execution of such deed or instrument thereunto annexed; and the said Registrar, or Deputy-Registrar, shall, as soon as conveniently may be after such deposit, examine and compare such copy with the original deed or instrument, and verifications (if any) so deposited as aforesaid, and shall, if he finds the same correct, endorse on such copy or certificate, in the form set forth in Schedule B to this Act annexed, and shall, on request, return such copy so certified to the person or persons by whom such deed or instrument, and copy, shall have been deposited and left, and the like fees shall be paid upon every such deposit as are in the Schedule hereto, marked A, provided to be paid for the enrolment of deeds.

4. And be it further Enacted, That in every case in which any such deed or instrument shall be so deposited as aforesaid, it shall not be necessary or incumbent for any person or persons acting, or deriving title, under or by virtue of the powers contained in any such deed or instrument, to furnish any attested or other copy thereof to any purchaser or other person, nor shall such purchaser or other person require the production of such deed or instrument, or any person or persons to enter into a covenant to produce the same for any purpose whatsoever.

5. And be it further Enacted, That the Registrar, or Deputy-Registrar, shall keep all such original deeds and instruments as shall be from time to time deposited, in manner aforesaid, in some convenient and safe place in the said Registry Office, and shall cause the same to be arranged in such manner as the same may be conveniently found by reference to the alphabetical index before mentioned, and shall from time to time permit the same deeds or instruments to be inspected, and searches for the same to be made, and furnish office copies thereof, in like manner, and on payment of the like fees as are in the said recited Act provided in reference to the several matters in the said recited Act comprised.

6. And be it further Enacted, That except as herein provided, the provisions of the said recited Act, so far as the same can be applicable,

applicable, shall be and have full force and effect, in reference to the matters and things herein contained; and that this Act, and the said recited Act, shall be read and construed together as one Act.

JOHN MORPHETT, Speaker.

*Passed the Legislative Council this twenty-fifth }
day of November, one thousand eight }
hundred and fifty-two.*

F. C. SINGLETON,
Clerk of the Legislative Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Lieutenant-Governor.

Government House, Adelaide,
December 2, 1852.

SCHEDULES REFERRED TO.

A.

	<i>s.</i>	<i>d.</i>
For every receipt endorsed upon any mortgage operating to record the property thereby conveyed under authority of the Act No. 12 of 1850, to establish and regulate Benefit Building Societies	5	0
For enrolling any deed or instrument, not exceeding in length ten folios of seventy-two words each, for every folio	1	0
For enrolling any deed or instrument, exceeding in length ten folios, for the first ten folios, per folio	1	0
For every folio besides	0	4

Where any instrument executed within the provision after the commencement of the said Act is brought to be registered at a time later than one calendar month after its execution, no additional fee.

B.

I certify that the original instrument [and verifications] (if any) of which the within is a copy, was deposited in the Registry Office, on the day of _____, 18____, and that the said copy, having been compared with the said original instrument, it has been found to be correct.