

TASMANIA.

—
**THE REGISTRATION OF DEEDS ACT,
 1935.**
 —

ANALYSIS.

PART I.—PRELIMINARY.

1. Short title.
2. Repeal.
3. Application of Act.
4. Saving as to registration of powers of attorney.
5. Interpretation.

PART II.—REGISTRATION OF DEEDS, &c.

Division I.—The Registry.

6. The Registry of Deeds.
7. Appointment of Registrar.
8. Deputy-Registrar.

Division II.—Registration of Instruments.

9. Deeds to take effect according to priority of registration.
10. Wills, &c., to be registered.
11. Effect of registration of judgments.

Division III.—Method of Registration.

12. Mode of registration.
13. Power of Registrar to refuse to register.
14. Certificate of correctness of memorials.
15. Registrar to number memorials and give receipt.
16. Preservation, &c., of memorials.
17. Indexing of memorials.

Division IV.—Certificates of Satisfaction of Mortgages and Judgments.

18. Certificates of satisfaction of mortgages and judgments.
19. Form of certificates.
20. Verification of memorial of certificate.
21. Registration of certificate of satisfaction.

Division V.—Deposit of Deeds.

22. Deeds may be deposited with Registrar.
23. Covenants for production of deposited deeds inoperative.
24. Inspection of deposited deeds.
25. Registrar may furnish copies.

Division VI.—Lis Pendens.

26. Purchasers not to be affected by *lis pendens* unless registered.
27. Method of registration.

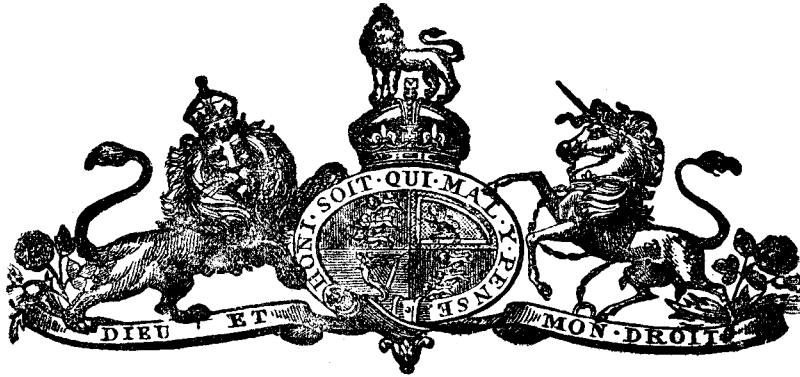
PART III.—REGISTRATION OF SURVEY PLANS.

28. Interpretation.
29. Survey plan to be registered before land dealt with in certain cases.
30. Instrument to refer to survey plan.
31. Mode of registration of survey plan.
32. Certificate to be endorsed on survey plan.
33. Person interested may require survey plan to be registered.
34. Registration of survey plan made after the said date.
35. Register and index of survey plans.
36. Registrar may refuse registration of survey plan not in accordance with this Part.
37. Searches.
38. Amendment of plan.
39. Priority by registration not to be affected by contravention of this Part.

PART IV.—MISCELLANEOUS.

40. Offences by Registrar and clerks.
41. False or untrue certificates. Offences against Part III. Offences by surveyor.
42. Fees.
43. Searches: certified copies.
44. Regulations.

TASMANIA.

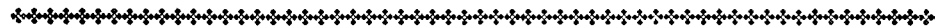


1935.

ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 24.



AN ACT to consolidate and amend the Law A.D. 1935.
 relating to the Registration of Deeds, Wills,
 Judgments, and other Instruments affecting
 Land in this State. [3 September, 1935.]

BE it enacted by His Excellency the Governor of Tasmania,
 by and with the advice and consent of the Legislative Council
 and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

1 This Act may be cited as the *Registration of Deeds Act* Short title 1935.

2 The Acts set forth in the first schedule are hereby Repeal, repealed.

Registration of Deeds.

A.D. 1935.

Application of
Act.

8 Geo. V. No.

3, s. 5.

Cf. Vic. No.

3754, s. 4,

(6)—I.;

N.S.W. No. 22,

1897, s. 6—v.

[25 Vict. No.

16.]

Saving as to
registration of
powers of
attorney.

8 Geo. V. No.

3, s. 13.

[24 Vict. No.

3.]

Interpretation.

8 Geo. V. No.

3, s. 4.

3 This Act shall not apply to—

I. Instruments, wills, or letters of administration, or survey plans, in so far as they affect land under the provisions of the *Real Property Act* 1862, or instruments which are registered, or require to be registered, under the provisions of that Act:

II. *Bonâ fide* leases at a rack rent for any term less than fourteen years.

4 Nothing in this Act shall render it necessary to register a power of attorney in any other manner than that provided by the *Powers of Attorney Act* 1934.

5 In this Act, unless the contrary intention appears—

“Instrument” means any deed, judgment, document, or writing (other than a will or letters of administration) affecting or intended to affect land in this State:

“Judgment” means—

I. Any judgment, decree, rule, or order in any action, suit, or original proceeding given or made by the High Court of Australia or any court of record in this State, whereby any sum of money is made payable, or which affects or is intended to affect land in this State:

II. Any judgment, decree, rule, or order in any action, suit, or original proceeding which has, by virtue of the *Service and Execution of Process Acts* 1901-34 of the Commonwealth or the *Supreme Court Civil Procedure Act* 1932, the effect of a judgment of a court in this State:

“Letters of administration” means any letters of administration issued out of or resealed by the Supreme Court, and includes any document authorising the Public Trustee to administer the estate of a deceased person:

“Registrar” means the Registrar of Deeds:

“Registry” means the Registry of Deeds.

Registration of Deeds.

PART II.

A.D. 1935.

REGISTRATION OF DEEDS, &c.

Division I.—The Registry.

6 The Registry shall be the office for the registration of instruments, wills, and letters of administration, and other documents as provided by this Act.

The Registry of Deeds.
8 Geo. IV. No. 5, s. 1.
Vic., s. 5 (1);
N.S.W., s. 5 (1).

7—(1) The administration of this Act shall be vested in an officer to be called "The Registrar of Deeds," who shall be appointed by the Governor.

Appointment of Registrar.
6 Wm. IV. No. 18, s. 1.

(2) The Registrar shall have and may exercise such powers as are conferred on him by this Act.

8 The Governor, on the recommendation of the Registrar, may appoint some person to be the Deputy-Registrar of Deeds, and all acts and things by this or any other Act required or authorised to be done by the Registrar may be done by the Deputy-Registrar, and every act and thing so done by the Deputy-Registrar shall be as valid and effectual as if the same had been done by the Registrar.

Deputy-Registrar.
9 Geo. V. No. 52, s. 7
(inserted by
11 Geo. V. No. 33, s. 8).
Vic., s. 5 (2).

Division II.—Registration of Instruments.

9—(1) All instruments which are executed or made in good faith and for valuable consideration, and are registered under the provisions of this Act, shall have and take priority, not according to their respective dates, but according to the priority of the registration thereof only.

Deeds to take effect according to priority of registration.
8 Geo. V. No. 3, s. 7.
Vic., s. 6;
N.S.W., s. 12.

(2) For the purposes of this section an instrument shall be deemed to have been made in good faith if it is executed or taken in good faith by the purchaser.

10 All wills and letters of administration which affect, or are intended to affect, land in this State shall be registered under this Act.

Wills, &c., to be registered.
8 Geo. V. No. 3, s. 8.

11—(1) Subject to this section, every judgment whereby any sum of money is made payable, whether registered before or after the commencement of this Act, shall, when registered, be a charge upon the lands of the judgment-debtor.

Effect of registration of judgments.
8 Geo. V. No. 3, s. 6.
16 Vict. No. 3, s. 1.

(2) At the expiration of each period of five years from the date of the registration or re-registration thereof, any such judgment shall cease to be a charge upon the lands of the judgment-debtor and shall, as to purchasers, mortgagees, and creditors, be of no effect against any such lands, unless it is re-registered as provided by this section.

(3) Where the time prescribed by subsection (2) hereof expires on a day on which the Registry Office is closed, the registration shall be effective if effected on the next day thereafter on which the office is open.

Registration of Deeds.

A.D. 1935.

(4) Any such judgment may be re-registered at the expiration of each such period of five years in the same manner as is provided by this Act for the registration of judgments.

(5) Nothing in this section shall extend to revive or restore any judgment which is extinguished or barred, nor shall the same extend to affect or prejudice any judgment as between the parties thereto or their representatives or those deriving as volunteers under them.

(6) Nothing in this section shall require judgments, other than those referred to in subsection (1), to be registered more than once.

Division III.—Method of Registration.

12—(1) Registration under this Act shall be effected in the following manner:—

Mode of
registration.
8 Geo. V. No.
3, s. 9.
Vic., s. 7;
N.S.W., s. 7.

I. A memorial of the instrument, will, or letters of administration to be registered, written on parchment, shall be delivered into the office of the Registrar:

II. Every memorial, and every piece of parchment on which the memorial is written, shall be signed, or in the case of a company sealed, by some or one of the following parties:

(a) Memorials of instruments other than judgments, by a party thereto or the personal representative of any deceased party, or if all the parties are dead or absent from the State the same may be signed by any witness to the instrument;

(b) Memorials of wills, by a devisee or a personal representative of the testator or of a devisee, or if no such devisee or personal representative is living in this State, by any witness to the will;

(c) Memorials of letters of administration, by a personal representative of the deceased;

(d) Memorials of judgments, by any person to whom any money is payable under the judgment, or a personal representative of such person, or by the legal practitioner on the record acting for such person or personal representative, or, in cases where no money is payable under such judgment, by any party to the proceedings or matter in which such judgment is given or made, or a personal representative of such person:

Provided that the Registrar, if he is satisfied that it is not reasonably practicable to obtain any such signature to a memorial, may dispense

Registration of Deeds.

with the signature, and in any such case shall endorse on the memorial a certificate that he is so satisfied: A.D. 1935.

- III. Every memorial of an instrument other than a judgment shall contain the particulars and be in the form set out in division I. of the second schedule:
- IV. Every memorial of a receipt endorsed upon or annexed to any mortgage made under the provisions of the *Building Societies Act 1876*, or the *Friendly Societies Act 1888*, shall be in the form set out in division II. of the second schedule: [40 Vict. No. 5; 51 Vict. No. 16.]
- V. Every memorial of a judgment shall contain a copy of the judgment: Provided that, in case of a judgment for the payment of a sum of money, it shall be sufficient if the memorial contains the particulars and is in the form set out in division III. of the second schedule:
- VI. Every memorial of an order or a decree other than a judgment shall contain a copy of the order or decree:
- VII. Every memorial of a will shall contain the particulars, and be in the form set out in division IV. of the second schedule:
- VIII. Every memorial of letters of administration shall contain the particulars and be in the form set out in division V. of the second schedule:
- IX. Every memorial shall be written in ink or printed:
- X. If there are more writings than one for perfecting the same instrument, particulars of all such writings shall be included in one and the same memorial.

(2) Until otherwise provided by the regulations, memorials shall be written on one or more sheets of parchment of the length of sixteen inches and depth of eleven inches, with a margin two inches wide, and shall be written on one side only of the parchment, except as to the certificate of correctness prescribed by section fourteen. 6 Wm. IV. No. 18, s. 3; 11 Geo. V. No. 33, s. 5.

13 The Registrar may refuse to accept for registration any memorial which in his opinion is illegibly written, or likely to become illegible, or which is unfit or unsuitable for registration, or does not comply with the provisions of this Act.

Power of Registrar to refuse to register.

14—(1) Every memorial shall have endorsed thereon a certificate in the following words:—"Correct for the purposes of the *Registration of Deeds Act 1935*."

11 Geo. V. No. 33, s. 9.

Certificate of correctness of memorials.

(2) The certificate shall be signed by the person on whose behalf the memorial is registered or by the legal practitioner acting for that person.

11 Geo. V. No. 33, s. 10.

(3) The legal practitioner or other person signing the certificate shall thereby be deemed to have included in his cer-

Registration of Deeds.

A.D. 1935.

tificate the following words:—"I do hereby certify that the foregoing memorial contains correct particulars, as required by the *Registration of Deeds Act 1935*, of the instrument of which it purports to contain particulars."

Registrar to
number
memorials and
give receipt.

8 Geo. IV.
No. 5, s. 6
Vic., s. 9;
N.S.W., s. 10.

15—(1) Upon receipt of a memorial in accordance with the provisions of section twelve, duly certified as prescribed, the Registrar shall—

- I. Number such memorial according to the order of time in which it is delivered to him:
- II. Endorse on the back of such memorial a certificate containing the day and time of the day when the same was delivered to him, and shall sign such certificate:
- III. Give to the person delivering such memorial a receipt for the same, in which shall be specified the day and the time of the day when the memorial was so delivered to him and the number thereof.

(2) A certificate endorsed on a memorial as provided by this section and the receipt of the Registrar for a memorial respectively shall be evidence of the registration and time of registration of the instrument, will, or letters of administration to which the memorial relates.

New:
Vic., s. 10.
N.S.W., s. 10.

(3) The receipt for a memorial of an instrument other than a judgment, certificate of satisfaction, or *lis pendens* shall be endorsed upon the original instrument to which the memorial relates, but the Registrar may, if he thinks fit, dispense with the production of such original instrument in any case.

Preservation,
&c., of
memorials.
6 Wm. IV. No.
18, s. 3.

16 All memorials delivered to the Registrar shall be kept for reference bound up in the form of books, or otherwise sufficiently secured in such manner and in such numbers together as the Registrar thinks fit, according to the numbers assigned to such memorials.

Indexing of
memorials.
6 Wm. IV. No.
18, s. 5.
Vic., s. 12;
N.S.W., s. 11.

17 The Registrar shall make proper indexes to all memorials received by him, so that, so far as may be, information may be readily obtained by parties interested therein, and until otherwise provided by the regulations, the present system of indexing memorials shall be maintained.

*Division IV.—Certificates of Satisfaction of Mortgages
and Judgments.*

Certificates of
satisfaction of
mortgages and
judgments.
8 Geo. IV. No.
5, s. 8.

18—(1) Upon production of a certificate of satisfaction as prescribed, whereby it shall appear that—

- I. The whole of the moneys due under any registered mortgage or judgment have been paid, or that such mortgage or judgment is otherwise wholly satisfied:

Registration of Deeds.

- II. Such mortgage or judgment has been partially satisfied, and it is desired to release a portion of the land thereby affected, such portion being defined in such certificate: or
- III. Such mortgage or judgment has been partially satisfied by the payment of a specified part of the moneys due thereunder—

A.D. 1935.

the Registrar may register such certificate as hereinafter provided.

(2) A certificate of satisfaction of a mortgage shall be signed by the mortgagee; and a certificate of satisfaction of a judgment shall be signed by the person to whom the money payable under the judgment is payable or by his solicitor for him and on his behalf.

6 Wm. IV. No. 18, s. 4.

(3) The signature to a certificate of satisfaction shall be attested.

19—(1) Every certificate of satisfaction of a judgment shall contain the particulars and be in the form set out in division VI. of the second schedule.

Form of certificates.

(2) Every certificate of satisfaction of a mortgage shall contain the particulars and be in the form set out in division VII. of the second schedule.

11 Geo. V. No. 33, s. 4.

20 Every certificate of satisfaction shall have endorsed thereon a certificate of correctness in accordance with section fourteen.

Verification of memorial of certificate.

21—(1) Upon receipt of a certificate of satisfaction of a mortgage or judgment, the Registrar shall endorse on the certificate the date when the same was received by him, and shall make a short entry or memorandum thereof on the memorial of the mortgage or judgment to which the certificate relates respectively and in the indexes kept by him.

11 Geo. V. No. 33, s. 10.

(2) All such certificates shall be kept in the Registry in the manner provided by section sixteen in respect of memorials, and an index thereof shall be kept.

Registration of certificate of satisfaction.

8 Geo. IV. No. 5, s. 8.

11 Geo. V. No. 33, s. 4.

Division V.—Deposit of Deeds.

22—(1) Any person having the lawful custody of any deeds or documents relating to the title to any real or personal estate may deposit such deeds or documents with the Registrar.

Deeds may be deposited with Registrar.

(2) The Registrar shall retain all deeds and documents deposited as aforesaid unless the same are claimed by some person who, in the opinion of the Registrar, is absolutely entitled thereto, or unless a judge otherwise orders.

New: Vic., s. 15.

(3) If the Registrar has received notice in writing signed by any person claiming an estate or interest in any land to which any deed or document deposited under this section relates, or by the attorney of such person, that he claims to

Registration of Deeds.

A.D. 1935.

have such deed or document retained in the custody of the Registrar on his behalf, the Registrar shall not part with the possession of such deed or document without the consent in writing of such person or the order of a judge directing him so to do.

(4) Any person having any estate or interest in land to which any such instrument relates, and claiming to be entitled to possession of such deed or document, may apply to a judge, on summons, for an order directing the Registrar to deliver such deed or document to him, and, upon the hearing of any such summons, the judge may make such order (including an order as to costs) as he may think fit.

(5) The provisions of subsection (3) hereof shall not apply to the will of a living person.

Covenants for production of deposited deeds inoperative.

New: Vic., s. 15.

23 No action shall be brought or maintained upon any covenant or agreement for the production of any deeds or documents which are deposited in accordance with the provisions of this or any previous Act, or upon any agreement to give or enter into a covenant for the production thereof, and, if any such action is commenced, it shall be a sufficient answer thereto that such deeds or documents are so deposited.

Inspection of deposited deeds.

Vic., s. 15.

Cf. 46 Vict.

No. 38, s. 3.

Registrar may furnish copies.

9 Geo. V. No.

52, s. 4.

24 Subject to the regulations, any person may, upon payment of the prescribed fee, inspect any deeds or documents which have been deposited in accordance with this Division.

25 The Registrar may, upon payment of the prescribed fee, furnish, or permit to be furnished, copies of, or extracts from, any deeds or documents deposited with him in accordance with this Division.

Division VI.—Lis Pendens.

Purchasers not to be affected by *lis pendens* unless registered.

16 Vict. No. 3, s. 2.

26 No *lis pendens* shall bind a purchaser or mortgagee without express notice thereof unless and until a memorandum or minute, written on parchment and signed by the plaintiff or his authorised agent, containing the name and the usual or last known place of abode or business and the description of the person whose estate is intended to be thereby affected, and the nature and situation of the property or estate intended to be affected thereby, and setting forth the title of the court and of the cause or matter, and the date when the proceedings therein were commenced, shall be left with the Registrar.

Method of registration.

Ib.

27 A notification of *lis pendens* in accordance with this Division shall be registered by the Registrar in the same manner as if the same were a judgment, and the provisions of this Act relating to the registration and re-registration of judgments shall apply to the registration of a *lis pendens*.

Registration of Deeds.

PART III.

A.D. 1935.

REGISTRATION OF SURVEY PLANS.

28 In this Part, unless the contrary intention appears—

“Land” does not include Crown land:

“Survey plan” means a plan of any land made in accordance with a survey thereof effected by a surveyor, but does not include a plan prepared for the purposes of any Government Department and not intended to be used in connection with any dealing with the land surveyed which requires to be registered under this Act; or a plan prepared for the purposes of any notification or proclamation declaring that land has been resumed:

“Surveyor” means a person registered as a surveyor under the *Land Surveyors Act 1909*.

“The said date” means the eighth day of September, one thousand nine hundred and twenty-seven.

Interpretation.
18 Geo. V. No.
4.

[9 Ed. VII.
No. 45.]

29—(1) Except where otherwise specially provided, no instrument, not being a testamentary instrument, judgment, or notification of a *lis pendens*, affecting or relating to any land, which is delineated on a survey plan made after the said date, shall be registered under this Act until such plan has been registered under this Part.

Survey plan
to be regis-
tered before
land dealt
with in certain
cases.

(2) Where the Registrar is satisfied that a survey plan—

- I. Has been destroyed, or has been lost and that there is no probability of its being found: or
- II. Is in the possession or control of a person whose whereabouts are unknown—

or that for any other reason the registration of such survey plan cannot be effected without serious delay, the Registrar may register any instrument affecting or relating to any land delineated on such plan without registration of such plan.

(3) No person having in his possession or control a survey plan made after the said date shall present for registration under this Act any instrument affecting or relating to any piece of land delineated on such plan unless such plan has been registered under this Part.

(4) No person procuring to be effected or having in his possession a survey plan prepared for the subdivision of any land shall give effect to any dealing with such land, or any part thereof, unless such survey plan has been registered under this Part.

(5) For the purposes of this Part, land shall be deemed to be delineated on a survey plan if it is shown thereon as a separate and complete block of land or as a surveyed subdivisional block of land which has been subdivided.

Registration of Deeds.

A.D. 1935.

Instrument to
refer to
survey plan.

30 Except as aforesaid, every instrument presented for registration which affects or relates to any land delineated on a survey plan registered under this Part shall, in addition to any description required by law to be inserted therein, contain a reference to such survey plan.

Mode of
registration
of survey
plan.

31—(1) The registration of a survey plan shall be effected by lodging with the Registrar—

- I. The original plan: or
- II. A copy thereof—

certified and signed by the surveyor who made the survey shown on such plan.

(2) Where the certificate of the surveyor who made such plan or copy is not obtainable the same may be certified by any qualified surveyor who has checked the survey as prescribed.

Certificate to
be endorsed on
survey plan.

32 Every original survey plan made after the said date, and every certified copy of any such plan, shall, before being lodged with the Registrar as provided by this Part, have endorsed thereon a certificate, stating—

- I. That the plan complies with all statutory provisions relating to anything appearing thereon:
- II. If the plan requires the approval of any local authority before being acted upon, that such approval has been obtained:
- III. If the plan does not require any such approval, that it does not so require: and
- IV. Such other matters as may be prescribed.

Person inter-
ested may
require survey
plan to be
registered.

33—(1) Any person desiring to register under this Act any instrument relating to or affecting any land shown on a survey plan made after the said date, which has not been registered under this Part, may, by notice in writing delivered to, or served by post upon, the person having the custody or control of such plan, require such lastmentioned person to register the same under this Part.

(2) The person to or upon whom such notice is so delivered or served shall, at the expense of the person desiring the same, within seven days after the notice has been so delivered to or served upon him, cause the survey plan mentioned in the notice to be registered under this Part.

Registration
of survey plan
made after the
said date.

34 Any person having in his custody or control any survey plan made prior to the said date may register the same under this Part in the same manner and subject to the same conditions as are specified in this Part with respect to the registration of a survey plan made after the said date, but the provisions of section thirty-two shall not apply to any plan registered under this section.

Registration of Deeds.

35—(1) The Registrar shall number consecutively all survey plans, or certified copies thereof, lodged with him under this Part in the order in which the same are so lodged, and shall file the same in his office.

A.D. 1935.

Register and index of survey plans.

(2) The Registrar shall keep an index in which shall be entered—

- I. The number of every such plan:
- II. The date of the lodging thereof:
- III. The name of the owner of the land shown thereon:
- IV. A description of such land, sufficient to identify the same: and
- V. The name of the grantee from the Crown of such land.

36 The Registrar may refuse to accept for registration any survey plan presented to him for registration which does not comply with the provisions of this Part.

Registrar may refuse registration of survey plan not in accordance with this Part.

37—(1) Subject to the regulations, any person shall be entitled to search the index of survey plans registered under this Part, and to inspect any plan or plans therein referred to, upon payment of the prescribed fee.

Searches.

(2) Any person searching in the Registry, who has paid a fee of not less than two shillings and six pence in respect of such search, may, for the purpose of such search, also search the index of survey plans and inspect any such plan without payment of a further fee.

(3) Any surveyor may make a search and inspection of survey plans registered under this Part without payment of any fee therefor.

38—(1) The Registrar, on the application of any person interested in any land to which a registered survey plan relates, may, on such evidence as appears to him sufficient, and after such notices, if any, as he thinks proper, amend or cause to be amended such plan, so as to correct any error therein or supply any omission therefrom.

Amendment of plan.

(2) Any amendment shall be made so that the original words, figures, or symbols shall not be rendered illegible, and the date of every such amendment shall be noted on the plan and initialled by the Registrar.

(3) Every such amendment shall take effect as if the error or omission thereby corrected or supplied had not been made: Provided that no such amendment shall affect the construction of any instrument made before the date of such amendment.

Registration of Deeds.

A.D. 1935.

Priority by registration not to be affected by contravention of this Part.

39 The priority given to any instrument by registration under this Act shall not be prejudiced or affected by reason of the contravention by any person of any of the provisions of this Part, or the fact that any survey plan on which any land comprised in such instrument is shown has not been registered under, or does not comply with the provisions of, this Part.

PART IV.

MISCELLANEOUS.

Offences.

Offences by Registrar and clerks.
8 Geo. IV. No. 5, s. 11.

40—(1) No person employed in the Registry shall wilfully fail or neglect to number, register, or enter, as provided by this Act, any memorial, certificate, or other instrument or document delivered into the Registry.

Penalty: One hundred pounds.

(2) Any person contravening the provisions of this section shall be liable in damages to any person suffering damage by reason of such contribution to the extent of the loss or injury sustained.

False or untrue certificates.
11 Geo. V. No. 33, s. 11.

41—(1) No legal practitioner or other person shall sign any certificate for the purposes of section fourteen or section twenty which is false or untrue in any particular.

Penalty: Twenty pounds.

Offences against Part III.

18 Geo. V. No. 4, ss. 3, 7.

(2) No person shall contravene any of the provisions of section twenty-nine or of subsection (2) of section thirty-three.

Penalty: Ten pounds.

Offences by surveyor.

18 Geo. V. No. 4, s. 13.

(3) No person shall sign any such certificate as is prescribed by section thirty-two which is false in any material particular, or falsely certify to the correctness of any copy of a survey plan lodged with the Registrar under Part III.

Penalty: Twenty pounds.

Fees.

Fees.
8 Geo. IV. No. 5, s. 12;
16 Vict. No. 3, s. 6.
9 Geo. V. No. 52, sched.

42—(1) The fees specified in the third schedule shall be paid in respect of the several items set forth therein.

(2) The payment of all such fees shall be denoted by impressed stamps.

(3) All fees received under this Act shall be paid into the Consolidated Revenue.

Registration of Deeds.

43—(1) Subject to the regulations, any person may, upon payment of the prescribed fee, search any indexes kept by the Registrar and inspect any memorials or other documents kept in the Registry in accordance with this Act. A.D. 1935.

Searches:
certified
copies.

(2) The Registrar, upon payment of the prescribed fee, may furnish, or permit to be furnished, copies of, or extracts from, any memorial or other document kept in the Registry in accordance with this Act.

Regulations.

44 The Governor may make regulations for the purposes of this Act. Regulations.
8 Geo. V. No.
3, s. 11.

THE FIRST SCHEDULE.**ACTS REPEALED.**

Regnal Year and Number.	Title of Act.
8 Geo. IV. No. 5 6 Wm. IV. No. 18 16 Vict. No. 3	The Registration Act The Registration Act, 1836 An Act for the Better Protection of Purchasers against Judgments, Crown Debts, and <i>Lis pendens</i>
23 Vict. No. 23 46 Vict. No. 38 52 Vict. No. 36 58 Vict. No. 7	The Registration Act, 1859 The Registration Act, 1882 The Registration Act, 1888 An Act to make provision for the Substitution of certain Memorials for the Registration of certain Deeds for certain other Memorials which have been destroyed by Fire
8 Geo. V. No. 3 9 Geo. V. No. 52 11 Geo. V. No. 33 18 Geo. V. No. 4	The Registration Act, 1917 The Registration Act, 1918 The Registration Act, 1920 The Registration (Survey Plans) Act, 1927

Registration of Deeds.

A.D. 1935.

THE SECOND SCHEDULE.**DIVISION I.—INSTRUMENTS OTHER THAN JUDGMENTS**

Section 12.

1. The date of such instrument.
2. The names and additions of the parties thereto.
3. The names and additions of the witnesses thereto.
4. The nature and object thereof which shall contain—
 - I. A statement of the nature and effect of all recitals;
 - II. A copy of the operative part of the instrument, including the habendum but excluding parcels: and
 - III. A copy of all covenants, declarations, and provisoes—
 which affect or purport to affect land; or alternatively a full copy of the instrument.
5. The description of the land affected or intended to be affected by such instrument, which, except as hereinafter provided, shall be a full description by metes and bounds. Where a plan, by reference to which the land is described, is drawn on the instrument, a copy of such plan shall be endorsed on the memorial, and if the plan endorsed on the memorial contains a clear and full representation of the boundaries and measurements of the land affected or intended to be affected, it shall not be necessary to embody the description in the memorial at length, but reference may be made in the memorial to the plan endorsed thereon.

The description of the land affected by a transfer of mortgage, reconveyance, or further charge may be by a concise reference to the description in the original mortgage, together with a statement sufficient to define the city, town, parish, or locality, as the case may be, in which such land is situated.

Where the instrument contains only a description of the land in general terms, a copy thereof shall be sufficient, but, except as otherwise expressly provided, a description by reference to some other instrument shall not be sufficient.

6. The pecuniary or other consideration for the same, and to whom or how paid.

DIVISION II.—RECEIPT.

1. The date of the receipt.
2. The name of the society giving the receipt.
3. The name and addition of the person to whom such receipt is given.
4. Copy of the receipt.
5. Description of the property affected by the receipt, which may be by reference to the description in the original mortgage.

DIVISION III.—JUDGMENT.

1. The name of the court in which the same has been signed or entered up.
2. The time of the signing or entering up of the same.
3. The names and additions of the respective parties.
4. The sum or sums thereby recovered or secured.

DIVISION IV.—WILL.

1. Date of the will.
2. Name and addition of the deviser.
3. Name and addition of every executor or other person proving the will in this State.
4. Copy of the will.
5. Date of the death of the testator.
6. Date of probate or of resealing.

Registration of Deeds.

DIVISION V.—LETTERS OF ADMINISTRATION.

A.D. 1935.

1. Date of the letters of administration or of resealing.
2. Name and addition of the deceased.
3. Copy of the letters of administration.
4. Date of the death of the deceased.

Section 19.

DIVISION VI.—CERTIFICATE OF SATISFACTION OF JUDGMENT.

1. The title of the court in which judgment was obtained.
2. The names and additions of the plaintiff and defendant.
3. The date on which judgment was signed [*or entered*] and the registered number of the judgment.
4. The date of the payment or other satisfaction of the judgment.
5. A certificate that the judgment has been satisfied (wholly or in part, as the case may be—and, if in part, to what extent).
6. (*If the satisfaction is partial only*) the description of the land, if any, intended to be released.

DIVISION VII.—CERTIFICATE OF SATISFACTION OF MORTGAGE.

1. The registered number of the mortgage.
2. The names and additions of the respective parties.
3. The date of the payment or other satisfaction received in respect thereof.
4. A certificate that the mortgage has been satisfied (wholly or in part, and, if in part, to what extent).
5. (*If the satisfaction is partial only*) the description of the land, if any, intended to be released from the mortgage.

THE THIRD SCHEDULE.

FEES.

	s.	d.
1. For receiving, giving a receipt for, entering, and registering each memorial or verified certificate	10	0
2. For every extra receipt for the same memorial or verified certificate	2	6
3. For receiving each deposit of deeds comprising one title	7	6
4. For each survey plan registered	5	0
5. For each search, including search under Part III.	2	6
6. For office copy of or particulars of any memorial or verified certificate or deposited deed, for the first five folios of 72 words	5	0
7. For every folio or part thereof after the first five folios	0	6

