

Laws of Her Majesty's Province of Newfoundland, passed in the year 1837.

1 Victoria – Chapter 5

An Act to repeal part of an Act passed in the Parliament of Great Britain in the Fifth year of the Reign of His Majesty King George the Fourth, intituled “An Act for the better Administration of Justice in Newfoundland, and for other purposes,” and to make further provision for the Registration of Deeds in this Colony. (18th November, 1837.)

Whereas it is expedient to alter and amend the Laws now in force in this Colony for the Registration of Deeds: Be it enacted, by the Governor, Council, and Assembly of Newfoundland, and by the authority of the same, that the Thirty-second Section of an Act passed in the Parliament of Great Britain in the Fifth year of the Reign of His Majesty King George the Fourth, intituled “An Act for the better Administration of Justice in Newfoundland, and for other purposes” shall be, and the same is, hereby repealed.

II. And be it further enacted, that from and after the passing of this Act, in all cases where Deeds, Conveyances, and other Assurances of what nature or kind soever, whereby any Lands or Tenements situate in the said Colony or the Dependencies thereof, have been or may be hereafter Granted, Conveyed, Mortgaged, Charged, or otherwise affected, or intended so to be, shall not have been left at the proper Office for the Registration thereof within the times prescribed by the said in-part-recited Act, or where the execution thereof shall not have been acknowledged before the Registrar by the Party or Parties from whom any interest may pass, or their Attorney duly appointed, it shall and may be lawful for the Registrar of Deeds for the District wherein the Lands affected by the said Deed, Conveyance, or other Assurance, shall be situated, and he is hereby required, to register the same upon Affidavit being made by one of the Subscribing Witnesses of the due execution thereof by the Parties thereto, which Affidavit may be taken before the Registrar of each of the said Districts, or before any Commissioner duly authorized to take Affidavits in the Supreme Court, or before any Justice of the Peace of this Island, whereupon the said Deed, Conveyance, or other Assurance, shall be deemed and taken to be duly registered, any thing in the said in-part-recited Act to the contrary thereof in any wise notwithstanding.

III. And be it further enacted, that every Deed, Conveyance, or other Assurance, of any Lands, Tenements, or Hereditaments, made or executed after the passing of the before in-part-recited Act, shall be adjudged fraudulent and void against any subsequent Purchaser or Mortgagee for a valuable consideration, unless such Deed, Conveyance, or other Assurance, shall have been duly registered within the times limited by the said in-part-recited Act for the Registration thereof, or if subsequently then unless the same shall have been registered before the Registry of the Deed, Conveyance, or other Assurance, under which any such subsequent Purchaser or Mortgagee shall claim. Provided always, and be it further enacted, that nothing in this or in the said in-part-recited Act, shall extend to any Lease at a Rack rent, where the actual possession and occupation shall go with the Lease.