

Laws of Her Majesty's Province of Newfoundland, passed in the year 1847.

10 Victoria – Chapter 6

An Act to make further provision for the Registration of Deeds, and to amend the Law relating to the Registration of Deeds. (Passed 14th January, 1847.)

Whereas in the Fire by which a great part of the Town of Saint John's was recently destroyed, several volumes of the Registry of Deeds of the Supreme Court were burnt, and it is expedient to remedy as far as possible any inconvenience which might arise from their loss:—

I. Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, that it shall and may be lawful for any person or persons who may hold any Deed, Will, or other Assurance which, before the said Fire, had been duly registered in any of the volumes so destroyed as aforesaid, and they are hereby required, to present such Deed, Will, or other Assurance, to the Registrar of Deeds for the Central District; and such Registrar shall register a memorial of such Deed, Will, or other Assurance, free of charge.

II. And Whereas Deeds executed out of this Colony are frequently verified by a declaration of one of the subscribing Witnesses instead of the affidavit now required bylaw; and great inconvenience, delay and expense, is thereby occasioned to parties interested ; Be it therefore enacted, that in all cases where any Deed, Will, Conveyance, or other Assurances, may now be registered, upon being verified by the affidavit of any Witness or other person, Such Deed, Will, Conveyance, or other Assurance, may be registered, upon being verified by a declaration of such Witness or other person, made in the manner and form prescribed by the Act of the Imperial Parliament, made in the Fifth Year of the Reign of King William the Fourth, entitled "An Act to repeal an Act of the present Session of Parliament entitled 'An Act for the more effectual abolition of Oath and Affirmations taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more effectual suppression of voluntary and extra-judicial Oaths and Affidavits,' and to make provision for the abolition of unnecessary Oaths." Provided that such declaration shall be authenticated in the like manner as such affair is or may be required to be authenticated.

III. And Whereas by an Act of the Local Legislature passed in the Seventh Year of the Reign of Her present Majesty entitled "An Act to amend the Laws now in force for the Registering of Deeds in this Colony," it is enacted that registry of any Deed, Conveyance, or other Assurance, executed out of this Colony, should be made on production of a copy thereof duly verified by affidavit and authenticated before any Judge of a Supreme Court of Record, Master in Chancery, Chief Magistrate, or Notary Public, of or near to the place where the person executing such Deed, Conveyance, or other Assurance, should reside; and it is expedient that such certificate should be by a Judge, Master in Chancery, Chief Magistrate or Notary Public, of or near to the place where the person verifying such Deed, Conveyance, or Assurance, should reside: Be it therefore enacted, That in all cases within the operation of the Seventh Section of the said Act, such Deed, Conveyance, or Assurance, may be registered upon such affidavit or the declaration allowed by this Act being authenticated by such Judge, Master in Chancery, Chief Magistrate or Notary Public residing at or near the place where the person making such affidavit

or declaration may reside; and that no registry of any Deed, Conveyance, or other Assurance, which may have been made since the passing of the said Act, shall be deemed invalid, by reason of the authentication thereof having been before such Judge, Master in Chancery, Chief Magistrate, or Notary Public residing at or near the place where the person making such affidavit may reside, instead of being made before a Judge, Master in Chancery, Chief Magistrate, or Notary Public, residing at or near the place where the person executing the Deed, Conveyance, or other Assurance, may reside.

IV. And be it enacted, That the Secretary of the Colony shall, as speedily as may be after the passing of this Act, cause public notice to be inserted in the Royal Gazette, and such other of the Public Newspapers of this Colony as he shall think fit, and also in some one of the public Newspapers published in London, Liverpool, Greenock, Bristol, Exeter, Poole, Cork and Waterford, and in the Royal Gazettes in the respective Provinces of Canada, Nova Scotia, New Brunswick, Prince Edward Island and Bermuda, informing all parties interested of the destruction of the said Volumes of the Registry of Deeds, and of the necessity for registering anew Deeds and other Assurances of which the registry hath been destroyed; and also informing such parties that a copy of the Laws of this Colony concerning the Registration of Deeds is deposited in some office or place of deposit near to the places respectively where the Newspapers referred to may be published, and that such copies of the said Laws shall be there open for the inspection of all parties interested ; And the said Secretary of the Colony is hereby empowered to cause such copies of the said Laws to be transmitted to the said places of deposit for the purposes above mentioned.