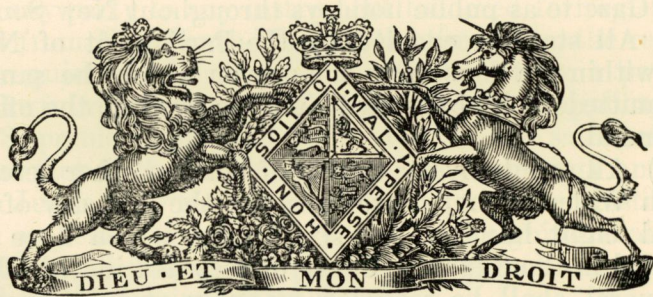


New South Wales.



ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

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No. XXII. (A.D. 1897.)

An Act to Consolidate the Law relating to the Registration of Deeds. [Assented to, 6th December, 1897.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Registration of Deeds Act, Short title. 1897."

2. The Acts mentioned in the First Schedule to this Act, to the extent to which the same are there expressed to be repealed, are hereby repealed. Repeal of Acts.

3. (I) The term "Registrar-General" throughout this Act shall mean the person appointed Registrar-General under the provisions of any Act for the time being in force for the establishment of a general register in New South Wales for the registration of births, deaths, and marriages. Registrar-General. 19 Vic. No. 34, s. 2. 20 Vic. No. 27, s. 2.

(II) For the several purposes of this Act, the term instrument shall, except where otherwise provided, include not only conveyances and other deeds, but also all instruments in writing whatsoever, whereby real or leasehold estate is affected or is intended so to be. Interpretation of the term instrument. 7 Vic. No. 16, s. 22.



*Registration of Deeds.*

Appointment of  
deputy.  
20 Vic. No. 27, s. 3.

4. The Registrar-General may, with the sanction of the Governor, appoint a deputy or deputies, whose acts with respect to all the duties by this Act imposed upon the Registrar-General shall have the same force and effect as if done by the Registrar-General.

At what time office  
to be open.  
7 Vic. No. 16, s. 3.

5. (I) The office of the Registrar-General shall be kept open for the recording, registration, and filing of all grants, deeds, conveyances, instruments, and other documents in accordance with the provisions of this Act for not less than six hours, beginning at the hour of ten in the forenoon, on all Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays throughout the year, and for not less than three hours, beginning at the hour aforesaid, on all Saturdays throughout the year.

(II) The said office shall not be open on Sundays, Christmas Day, Good Friday, and such other days as are duly notified in the Government Gazette as public holidays throughout New South Wales.

Documents directed  
or permitted to be  
registered.  
*Ibid.* s. 9.

6. (I) All statutes enacted by the Parliament of New South Wales shall within ten days from the day on which the same become law be transmitted to and enrolled and recorded in the office of the Registrar-General.

*Ibid.* s. 8.  
23 Vic. No. 9, ss. 12,  
136.

(II) All grants by the Crown of lands or other hereditaments in New South Wales alienated previously to the first day of January, one thousand eight hundred and sixty-three, which have not been already enrolled in the Supreme Court or recorded in the office of the Registrar-General, shall be recorded by entry at full length in the office of the Registrar-General in some book or books there kept for that purpose, and being so recorded shall for all purposes be of the like force and effect as if the same had been duly recorded under the provisions of the Act seventh Victoria number sixteen, and this Act had not been passed.

7 Vic. No. 16, ss. 8,  
10.

(III) All wills and devises affecting any estate in land, and all instruments (except leases for less than three years) affecting any estate in land in New South Wales, and all charters of incorporation and memorials of companies may be registered in the office of the Registrar-General.

(IV) Where any such instrument, charter, or memorial as aforesaid is already duly registered, recorded, enrolled, or deposited in the office of the Registrar-General in accordance with the provisions of the Acts hereby repealed, or any of them, the same shall not be required to be re-registered under this Act.

(V) Instruments which are registered or require to be registered under the provisions of the *Real Property Act* shall not be affected by the provisions of this Act.

Mode of registering  
instruments relating  
to realty.  
*Ibid.* s. 13, and  
20 Vic. No. 27, s. 4.

7. (I) All instruments (other than wills) affecting any estate in land tendered for registration in the office of the Registrar-General shall be registered in the manner following, that is to say:—A full copy thereof upon good vellum or parchment, signed by some or one of the parties to the original instrument, and certified to be a true copy by the oath of one credible person, such oath having been taken before a Judge of the Supreme Court or before the Registrar-General or his deputy, or before any Commissioner of the Supreme Court for taking affidavits, not residing within five miles of Sydney, shall be filed in the office of the Registrar-General.

Mode of registering  
wills of realty.  
7 Vic. No. 16., s. 10.

(II) All wills and devises affecting any estate in land tendered for registration in the office of the Registrar-General shall be registered in the manner following, that is to say:—The will or a full copy thereof upon good vellum or parchment certified to be a true copy by the oath of one credible person taken before a Judge of the Supreme Court, or before the Registrar-General or his deputy, or before any commissioner of the Supreme Court for taking affidavits, not residing within five miles of Sydney, shall be filed in the office of the Registrar-General.



*Registration of Deeds.*

8. (I) The original instrument to which any such certified copy or memorial relates shall be produced to the Judge or Registrar-General or other person before whom the same is verified as aforesaid. Original instrument to be produced. 7 Vic. No. 16, s. 18.

(II) If such instrument appears to have been executed by any party unable to write, then such Judge or Registrar-General or other person shall refuse to complete such certified copy by certifying the same, unless the execution by such party is attested by some justice of the peace or barrister or attorney or notary public, other than the party by whom such instrument has been prepared, whose attestation shall contain a certificate that the contents of such instrument were previously explained to the party so unable to write, and that the nature and effect thereof were at the time of such attestation to the best of the belief of such justice or barrister or attorney or notary public understood by such party. Course to be taken if there is a marksman thereto. Ibid. s. 18.

9. When any party to any instrument tendered for registration is dead or absent from New South Wales at the time when the registration thereof is required to be made, the attorney under a power of attorney or the lawful representative of such party, upon application to a Judge of the Supreme Court, and upon proof to the satisfaction of such Judge of the fact of the death or absence of such party and upon the order of such Judge, may sign the attested copy of such instrument in the name and on behalf of such party, and such signing shall be as valid and effectual to all intents and purposes as if such attested copy had been signed by the original party thereto. Representative or agent of deceased of absent party may sign attested copy. Ibid. s. 12.

10. (I) Upon the delivery into the Registrar-General's office of any such certified copy as aforesaid and the verification of the same, the Registrar-General or his deputy shall grant and sign a receipt for such copy, in which shall be specified the day and hour on which the same has been delivered into the said office, and the name and place of abode of the witnesses attesting or verifying the same, and the number of such verified copy according as the same shall be numbered in the said office, and such receipt shall be endorsed or written on the original instrument to which such certified copy relates, and shall also be entered on such certified copy. Receipts by Registrar-General and endorsement. Ibid. s. 14.

(II) The time so endorsed shall be taken to be the time of the registration of every such instrument whereof such certified copy has been made as aforesaid. Time endorsed conclusive.

(III) Every such certified copy so delivered into the said office shall be numbered successively according to the order of time in which the same has been delivered, and shall immediately be registered according to such number and order of time in a book or books to be provided and kept for such purpose in the said office, and every such book shall be open at all convenient times to the inspection of all persons desirous of searching the same. Entry in, and inspection of register.

(IV) No certified copy as aforesaid having therein any erasures or interlineation shall be received by the Registrar-General into his office, unless such erasure or interlineation is noticed in the margin opposite thereto by the signature or initials of the person certifying on oath to the truth and correctness of such copy. Erasures and interlineations to be noted. Ibid. s. 15.

11. The Registrar-General shall, from time to time, prescribe the form and size of copies of deeds, memorials, and other instruments to be registered in his office, so as to facilitate reference to them and render their preservation secure, and shall also make proper indexes to all registrations that (as far as may be) information may readily be obtained by parties interested therein, as to all incumbrances and liens or instruments affecting or intended to affect real estate in New South Wales. Form and size of certified copies, &c. Ibid. s. 29.

12. (I) All instruments (wills excepted) affecting any lands or hereditaments, or any other property, in New South Wales which **are** Deeds to take effect according to priority of registration. Ibid. s. 11.



*Registration of Deeds.*

are executed or made bonâ fide, and for valuable consideration, and are duly registered under the provisions of this Act, or of any Act hereby repealed, shall have and take priority not according to their respective dates but according to the priority of the registration thereof only.

Registered deed—  
Fraud of conveying  
party.  
22 Vic. No. 1, s. 18.  
24 Vic. No. 7.

(II) No instrument registered under the provisions of this Act shall lose any priority to which it would be entitled by virtue of such registration by reason only of bad faith in the conveying party, if the party beneficially taking under such instrument acted bonâ fide, and there was valuable consideration given for the same.

Mistakes in registra-  
tion.  
22 Vic. No. 1, s. 17.

13. No registration of any instrument under this Act, or intended to be in pursuance of this Act, shall be defeated or made ineffectual by reason of any omission, misdescription, or error in any case where the identity of the instrument in evidence with the one alleged to have been registered is established, and the substantial requirements of this Act have been complied with.

False swearing to be  
perjury.  
7 Vic. No. 16, s. 27.

14. Any person wilfully forswearing himself, or stating anything contrary to the truth in any oath taken under this Act shall be deemed guilty of perjury.

Penalties for neglect  
of Registrar-General  
or clerk in registering  
instruments.  
13 Vic. No. 45, s. 7.

15. If the Registrar-General or his deputy or any clerk in the office of the Registrar-General upon whom the duty devolves, wilfully or negligently omits to number, register, or enter, or cause to be numbered, registered, or entered in the manner herein directed any instrument or certificate delivered into the said office, the person so offending shall forfeit to the Crown for every such offence the penalty of one hundred pounds, and be further liable in damages to the party injured to the extent of the loss or injury sustained.

Fees payable under  
this Act.  
7 Vic. No. 16, s. 19.

16. (I) The several fees mentioned in the Second Schedule to this Act shall (except as is hereinafter provided) be taken by the Registrar-General for the several matters and things in the said Schedule mentioned, and a true and regular account of all such fees shall be kept in the Registrar-General's office, and all such fees shall be accounted for and paid over by the Registrar-General to the Public Treasury.

*Ibid.*

(II) The fees payable on the enrolment of any grant from the Crown shall not be paid to the Registrar-General but to the Colonial Treasurer, or to such other officer as is appointed by the Governor to deliver such grant upon the delivery of the same to such grantee or to his representatives or assigns; and all such fees so paid shall be accounted for and applied in the same manner as other public moneys coming into the hands of the Colonial Treasurer are required to be accounted for and applied.

*Ibid.* s. 20

(III) In addition to the fees aforesaid every such commissioner of affidavits as aforesaid may demand, and have for his own use for the taking of every verification of any such certified copy as aforesaid, the sum of two shillings and sixpence.



*Registration of Deeds.*

## SCHEDULES.

## FIRST SCHEDULE.

| Date of Act.       | Name of Act.                  | Extent of repeal.   |
|--------------------|-------------------------------|---|
| 7 Vic. No. 16 ...  | Registration of Deeds... ..   | Sections 1-7 (inclusive), 9, 11, 12, 14, 19, 27, 29, 31-34 (inclusive), the whole; sections 8, 10, 15, 18, 20, 22, and Schedule B, the whole, except so far as such sections and such Schedule respectively relate to stock, to mortgages of stock, to liens on wool, to certificates and registers of births or baptisms, marriages, and burials, or to acknowledgments of deeds; section 13, the whole, except so far as such section relates to the receiving of certified copies as secondary evidence. |
| 13 Vic. No. 45 ... | Transfer of Registry ... ..   | Sections 1-7 (inclusive) and 9, the whole.  |
| 20 Vic. No. 27 ... | Transfer of Registry ... ..   | Sections 1-3 (inclusive), the whole; section 4, the whole, except so far as it relates to acknowledgments of deeds.   |
| 22 Vic. No. 1 ...  | Titles to Land ... ..         | Sections 17 and 18, the whole.  |
| 24 Vic. No. 7 ...  | Registration Amendment ... .. | The whole.  |

## SECOND SCHEDULE.

|  | s. | d. |
|--|----|----|
| 1. For receiving every will or certified copy for registration including verifying the same and indorsement of receipt on original deed ... .. | 7  | 6  |
| 2. For the enrolment of every grant of land where the quantity granted shall not exceed 50 acres ... ..  | 5  | 0  |
| 3. For the enrolment of every grant of land where the quantity shall be over 50 but under 300 acres ... ..                                     | 7  | 6  |
| 4. For the enrolment of every grant of land where the quantity shall exceed 300 acres ... ..   | 10 | 0  |
| 5. For every search for copy of any deed or for any memorial of any deed or for will or copy of will of one property ... ..                    | 2  | 6  |
| 6. For every search for any copy of any grant of land ... ..   | 2  | 6  |
| 7. For every examined copy of memorial or of any deed not exceeding six folios ... ..  | 5  | 0  |
| 8. For every folio of 50 words exceeding six folios ... ..   | 0  | 8  |
| 9. For every extract from any memorial, will, or other writing, per folio ...  | 0  | 8  |
| 10. For receiving and noting every will deposited for safe custody under any statutory provision ... ..  | 5  | 0  |
| 11. For every examined copy of deed of public company or charter of incorporation, per folio ... ..  | 0  | 8  |
| 12. For every search for will ... ..   | 1  | 0  |
| 13. For every search for copy of deed of settlement of public company or charter of incorporation ... ..                                       | 1  | 0  |

By Authority: WILLIAM APPELATE GULLICK, Government Printer, Sydney, 1897.

[6d.]



any person or persons who shall be liable to be punished as aforesaid...

Section 11. For every examined copy of deed of public company or charter of incorporation...

Section 12. For every examined copy of deed of public company or charter of incorporation...

Section 13. For every examined copy of deed of public company or charter of incorporation...

Section 14. For every examined copy of deed of public company or charter of incorporation...

Section 15. For every examined copy of deed of public company or charter of incorporation...

Section 16. For every examined copy of deed of public company or charter of incorporation...

Section 17. For every examined copy of deed of public company or charter of incorporation...

Section 18. For every examined copy of deed of public company or charter of incorporation...

Section 19. For every examined copy of deed of public company or charter of incorporation...

Section 20. For every examined copy of deed of public company or charter of incorporation...

Section 21. For every examined copy of deed of public company or charter of incorporation...

Section 22. For every examined copy of deed of public company or charter of incorporation...

Section 23. For every examined copy of deed of public company or charter of incorporation...

Section 24. For every examined copy of deed of public company or charter of incorporation...

Section 25. For every examined copy of deed of public company or charter of incorporation...

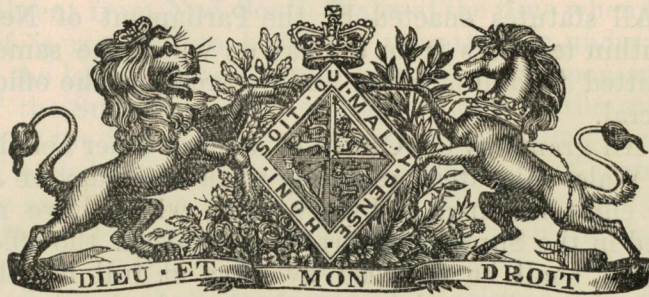


I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council Chamber,  
Sydney, 30th November, 1897. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO SEXAGESIMO PRIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## No. XXII. (A.D. 1897.)

An Act to Consolidate the Law relating to the Registration of Deeds. [Assented to, 6th December, 1897.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Registration of Deeds Act, Short title. 1897."

2. The Acts mentioned in the First Schedule to this Act, to the extent to which the same are there expressed to be repealed, are hereby repealed. Repeal of Acts.

3. (I) The term "Registrar-General" throughout this Act shall mean the person appointed Registrar-General under the provisions of any Act for the time being in force for the establishment of a general register in New South Wales for the registration of births, deaths, and marriages. Registrar-General. 19 Vic. No. 34, s. 2. 20 Vic. No. 27, s. 2.

(II) For the several purposes of this Act, the term instrument shall, except where otherwise provided, include not only conveyances and other deeds, but also all instruments in writing whatsoever, whereby real or leasehold estate is affected or is intended so to be. Interpretation of the term instrument. 7 Vic. No. 16, s. 22.



*Registration of Deeds.*

Appointment of  
deputy.  
20 Vic. No. 27, s. 3.

4. The Registrar-General may, with the sanction of the Governor, appoint a deputy or deputies, whose acts with respect to all the duties by this Act imposed upon the Registrar-General shall have the same force and effect as if done by the Registrar-General.

At what time office  
to be open.  
7 Vic. No. 16, s. 3.

5. (I) The office of the Registrar-General shall be kept open for the recording, registration, and filing of all grants, deeds, conveyances, instruments, and other documents in accordance with the provisions of this Act for not less than six hours, beginning at the hour of ten in the forenoon, on all Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays throughout the year, and for not less than three hours, beginning at the hour aforesaid, on all Saturdays throughout the year.

(II) The said office shall not be open on Sundays, Christmas Day, Good Friday, and such other days as are duly notified in the Government Gazette as public holidays throughout New South Wales.

Documents directed  
or permitted to be  
registered.  
*Ibid.* s. 9.

6. (I) All statutes enacted by the Parliament of New South Wales shall within ten days from the day on which the same become law be transmitted to and enrolled and recorded in the office of the Registrar-General.

*Ibid.* s. 8.  
26 Vic. No. 9, ss. 12,  
136.

(II) All grants by the Crown of lands or other hereditaments in New South Wales alienated previously to the first day of January, one thousand eight hundred and sixty-three, which have not been already enrolled in the Supreme Court or recorded in the office of the Registrar-General, shall be recorded by entry at full length in the office of the Registrar-General in some book or books there kept for that purpose, and being so recorded shall for all purposes be of the like force and effect as if the same had been duly recorded under the provisions of the Act seventh Victoria number sixteen, and this Act had not been passed.

7 Vic. No. 16, ss. 8,  
10.

(III) All wills and devises affecting any estate in land, and all instruments (except leases for less than three years) affecting any estate in land in New South Wales, and all charters of incorporation and memorials of companies may be registered in the office of the Registrar-General.

(IV) Where any such instrument, charter, or memorial as aforesaid is already duly registered, recorded, enrolled, or deposited in the office of the Registrar-General in accordance with the provisions of the Acts hereby repealed, or any of them, the same shall not be required to be re-registered under this Act.

(V) Instruments which are registered or require to be registered under the provisions of the *Real Property Act* shall not be affected by the provisions of this Act.

Mode of registering  
instruments relating  
to realty.  
*Ibid.* s. 13, and  
20 Vic. No. 27, s. 4.

7. (I) All instruments (other than wills) affecting any estate in land tendered for registration in the office of the Registrar-General shall be registered in the manner following, that is to say:—A full copy thereof upon good vellum or parchment, signed by some or one of the parties to the original instrument, and certified to be a true copy by the oath of one credible person, such oath having been taken before a Judge of the Supreme Court or before the Registrar-General or his deputy, or before any Commissioner of the Supreme Court for taking affidavits, not residing within five miles of Sydney, shall be filed in the office of the Registrar-General.

Mode of registering  
wills of realty.  
7 Vic. No. 16., s. 10.

(II) All wills and devises affecting any estate in land tendered for registration in the office of the Registrar-General shall be registered in the manner following, that is to say:—The will or a full copy thereof upon good vellum or parchment certified to be a true copy by the oath of one credible person taken before a Judge of the Supreme Court, or before the Registrar-General or his deputy, or before any commissioner of the Supreme Court for taking affidavits, not residing within five miles of Sydney, shall be filed in the office of the Registrar-General.



*Registration of Deeds.*

8. (I) The original instrument to which any such certified copy or memorial relates shall be produced to the Judge or Registrar-General or other person before whom the same is verified as aforesaid.

Original instrument to be produced.  
7 Vic. No. 16, s. 18.

(II) If such instrument appears to have been executed by any party unable to write, then such Judge or Registrar-General or other person shall refuse to complete such certified copy by certifying the same, unless the execution by such party is attested by some justice of the peace or barrister or attorney or notary public, other than the party by whom such instrument has been prepared, whose attestation shall contain a certificate that the contents of such instrument were previously explained to the party so unable to write, and that the nature and effect thereof were at the time of such attestation to the best of the belief of such justice or barrister or attorney or notary public understood by such party.

Course to be taken if there is a marksman thereto.  
*Ibid.* s. 18.

9. When any party to any instrument tendered for registration is dead or absent from New South Wales at the time when the registration thereof is required to be made, the attorney under a power of attorney or the lawful representative of such party, upon application to a Judge of the Supreme Court, and upon proof to the satisfaction of such Judge of the fact of the death or absence of such party and upon the order of such Judge, may sign the attested copy of such instrument in the name and on behalf of such party, and such signing shall be as valid and effectual to all intents and purposes as if such attested copy had been signed by the original party thereto.

Representative or agent of deceased or absent party may sign attested copy.  
*Ibid.* s. 12.

10. (I) Upon the delivery into the Registrar-General's office of any such certified copy as aforesaid and the verification of the same, the Registrar-General or his deputy shall grant and sign a receipt for such copy, in which shall be specified the day and hour on which the same has been delivered into the said office, and the name and place of abode of the witnesses attesting or verifying the same, and the number of such verified copy according as the same shall be numbered in the said office, and such receipt shall be endorsed or written on the original instrument to which such certified copy relates, and shall also be entered on such certified copy.

Receipts by Registrar-General and endorsement.  
*Ibid.* s. 14.

(II) The time so endorsed shall be taken to be the time of the registration of every such instrument whereof such certified copy has been made as aforesaid.

Time endorsed conclusive.

(III) Every such certified copy so delivered into the said office shall be numbered successively according to the order of time in which the same has been delivered, and shall immediately be registered according to such number and order of time in a book or books to be provided and kept for such purpose in the said office, and every such book shall be open at all convenient times to the inspection of all persons desirous of searching the same.

Entry in, and inspection of register.

(IV) No certified copy as aforesaid having therein any erasures or interlineation shall be received by the Registrar-General into his office, unless such erasure or interlineation is noticed in the margin opposite thereto by the signature or initials of the person certifying on oath to the truth and correctness of such copy.

Erasures and interlineations to be noted.  
*Ibid.* s. 15.

11. The Registrar-General shall, from time to time, prescribe the form and size of copies of deeds, memorials, and other instruments to be registered in his office, so as to facilitate reference to them and render their preservation secure, and shall also make proper indexes to all registrations that (as far as may be) information may readily be obtained by parties interested therein, as to all incumbrances and liens or instruments affecting or intended to affect real estate in New South Wales.

Form and size of certified copies, &c.  
*Ibid.* s. 29.

12. (I) All instruments (wills excepted) affecting any lands or hereditaments, or any other property, in New South Wales which

Deeds to take effect according to priority of registration.

are *Ibid.* s. 11.



*Registration of Deeds.*

are executed or made bonâ fide, and for valuable consideration, and are duly registered under the provisions of this Act, or of any Act hereby repealed, shall have and take priority not according to their respective dates but according to the priority of the registration thereof only.

Registered deed—  
Fraud of conveying  
party.  
22 Vic. No. 1, s. 18.  
24 Vic. No. 7.

(II) No instrument registered under the provisions of this Act shall lose any priority to which it would be entitled by virtue of such registration by reason only of bad faith in the conveying party, if the party beneficially taking under such instrument acted bonâ fide, and there was valuable consideration given for the same.

Mistakes in registra-  
tion.  
22 Vic. No. 1, s. 17.

13. No registration of any instrument under this Act, or intended to be in pursuance of this Act, shall be defeated or made ineffectual by reason of any omission, misdescription, or error in any case where the identity of the instrument in evidence with the one alleged to have been registered is established, and the substantial requirements of this Act have been complied with.

False swearing to be  
perjury.  
7 Vic. No. 16, s. 27.

14. Any person wilfully forswearing himself, or stating anything contrary to the truth in any oath taken under this Act shall be deemed guilty of perjury.

Penalties for neglect  
of Registrar-General  
or clerk in registering  
instruments.  
13 Vic. No. 45, s. 7.

15. If the Registrar-General or his deputy or any clerk in the office of the Registrar-General upon whom the duty devolves, wilfully or negligently omits to number, register, or enter, or cause to be numbered, registered, or entered in the manner herein directed any instrument or certificate delivered into the said office, the person so offending shall forfeit to the Crown for every such offence the penalty of one hundred pounds, and be further liable in damages to the party injured to the extent of the loss or injury sustained.

Fees payable under  
this Act.  
7 Vic. No. 16, s. 19.

16. (I) The several fees mentioned in the Second Schedule to this Act shall (except as is hereinafter provided) be taken by the Registrar-General for the several matters and things in the said Schedule mentioned, and a true and regular account of all such fees shall be kept in the Registrar-General's office, and all such fees shall be accounted for and paid over by the Registrar-General to the Public Treasury.

*Ibid.*

(II) The fees payable on the enrolment of any grant from the Crown shall not be paid to the Registrar-General but to the Colonial Treasurer, or to such other officer as is appointed by the Governor to deliver such grant upon the delivery of the same to such grantee or to his representatives or assigns; and all such fees so paid shall be accounted for and applied in the same manner as other public moneys coming into the hands of the Colonial Treasurer are required to be accounted for and applied.

*Ibid.* s. 20.

(III) In addition to the fees aforesaid every such commissioner of affidavits as aforesaid may demand, and have for his own use for the taking of every verification of any such certified copy as aforesaid, the sum of two shillings and sixpence.

SCHEDULES.



*Registration of Deeds.*

SCHEDULES.

FIRST SCHEDULE.

| Date of Act.       | Name of Act.                  | Extent of repeal.   |
|--------------------|-------------------------------|---|
| 7 Vic. No. 16 ...  | Registration of Deeds... ..   | Sections 1-7 (inclusive), 9, 11, 12, 14, 19, 27, 29, 31-34 (inclusive), the whole; sections 8, 10, 15, 18, 20, 22, and Schedule B, the whole, except so far as such sections and such Schedule respectively relate to stock, to mortgages of stock, to liens on wool, to certificates and registers of births or baptisms, marriages, and burials, or to acknowledgments of deeds; section 13, the whole, except so far as such section relates to the receiving of certified copies as secondary evidence. |
| 13 Vic. No. 45 ... | Transfer of Registry ... ..   | Sections 1-7 (inclusive) and 9, the whole.  |
| 20 Vic. No. 27 ... | Transfer of Registry ... ..   | Sections 1-3 (inclusive), the whole; section 4, the whole, except so far as it relates to acknowledgments of deeds.   |
| 22 Vic. No. 1 ...  | Titles to Land ... ..         | Sections 17 and 18, the whole.  |
| 24 Vic. No. 7 ...  | Registration Amendment ... .. | The whole.  |

SECOND SCHEDULE.

|  | s. | d. |
|--|----|----|
| 1. For receiving every will or certified copy for registration including verifying the same and indorsement of receipt on original deed ... .. | 7  | 6  |
| 2. For the enrolment of every grant of land where the quantity granted shall not exceed 50 acres ... ..  | 5  | 0  |
| 3. For the enrolment of every grant of land where the quantity shall be over 50 but under 300 acres ... ..                                     | 7  | 6  |
| 4. For the enrolment of every grant of land where the quantity shall exceed 300 acres ... ..   | 10 | 0  |
| 5. For every search for copy of any deed or for any memorial of any deed or for will or copy of will of one property ... ..                    | 2  | 6  |
| 6. For every search for any copy of any grant of land ... ..   | 2  | 6  |
| 7. For every examined copy of memorial or of any deed not exceeding six folios ... ..  | 5  | 0  |
| 8. For every folio of 90 words exceeding six folios ... ..   | 0  | 8  |
| 9. For every extract from any memorial, will, or other writing, per folio ... ..   | 0  | 8  |
| 10. For receiving and noting every will deposited for safe custody under any statutory provision ... ..  | 5  | 0  |
| 11. For every examined copy of deed of public company or charter of incorporation, per folio ... ..  | 0  | 8  |
| 12. For every search for will ... ..   | 1  | 0  |
| 13. For every search for copy of deed of settlement of public company or charter of incorporation ... ..                                       | 1  | 0  |

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

FREDK. M. DARLEY,

*Lieutenant-Governor.*

*Government House,  
Sydney, 6th December, 1897.*



Registration of Deeds

|  |   |   |   |
|--|---|---|---|
| Section 1-7 (inclusive), 9, 11, 12, 14, 15, 17, 20, 21-24 (inclusive), 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 | Sections 1-7 (inclusive), 9, 11, 12, 14, 15, 17, 20, 21-24 (inclusive), 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 | Sections 1-7 (inclusive), 9, 11, 12, 14, 15, 17, 20, 21-24 (inclusive), 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 | Sections 1-7 (inclusive), 9, 11, 12, 14, 15, 17, 20, 21-24 (inclusive), 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 |
|--|---|---|---|

SECOND SCHEDULE

|   |      |
|---|------|
| 1. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 2. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 3. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 4. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 5. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 6. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 7. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 8. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 9. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/-  | 10 0 |
| 10. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/- | 10 0 |
| 11. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/- | 10 0 |
| 12. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/- | 10 0 |
| 13. For every search for any copy of any deed or instrument registered in the office of the Registrar of Deeds, the fee shall be 10/- | 10 0 |

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

FREDK. M. BARREY, Esq.  
Lieutenant-Governor.

Government House,  
Sydney, 6th December, 1897.



## Memo. to accompany the Bill to Consolidate the Law relating to the Registration of Deeds.

IN dealing with the Acts consolidated in this Bill, the following modifications have been made :—

1. It is at least doubtful whether, under the Act 7 Vic. No. 16, section 3 (the original Act), the Registrar General is not legally bound to keep open his office for the registration of deeds on Saturday afternoons and on all public holidays, except Christmas Day and Good Friday. He has in fact always closed on Saturday afternoons and on all public holidays. It has been thought inadvisable to re-enact provisions which seem useless, and have been disregarded for over fifty years, and clause 5 of the Bill accordingly assimilates the law to that prevailing with regard to the rest of the Public Service and the general community.

2. Section 8 of the original Act is inconsistent with section 10. It provides a method of registering wills quite different from that in section 10. It is also a difficult and round-about, if not impossible method, because the will has to be registered as if it were a deed; and the provisions for registering deeds are inapplicable to wills. There is no advantage whatever in having two methods of registering wills, as the effect of registration in each case is exactly the same. As far as can be ascertained no will has ever been registered under the clumsy provisions of this section. It has therefore been omitted, and the simpler terms of section 10 (the only one ever used) have alone been consolidated. If this had not been done a confused, useless, and almost unintelligible piece of legislation would have been renewed, and the desire to make the consolidated statutes clear to all would have been to that extent defeated.

3. By section 15 of the original Act the form and size of documents to be registered were prescribed. Then by section 29 the form and size were left to the discretion of the Registrar-General. This gave him power to alter at any time the provisions of the earlier section. It seems better therefore to leave such a matter of administrative detail entirely to him, and to avoid the possibility of raising any doubt as to the validity of a registration not exactly in accordance with the prior section; a section which, now that the practice has become established, seems to have done its work, and to be a mere unnecessary addition to the bulk of the statutes.

4. In clause 12 the words "*bona-fide and* for valuable consideration" have been used instead of "*bona-fide or* for valuable consideration." This does not change the law, but follows the decision of the Supreme Court in the case of *Jones v. Collins*, 11 N.S.W. L.R. p. 247, and in an earlier case. In those cases it was decided that the word "or" must be read "and." If the section were not now altered in its wording so as to conform expressly with these judgments persons not acquainted with the decisions of the Court might be misled by the statute.

5. By clause 15 certain penalties upon the Registrar-General and his clerks for wilful or careless neglect of duty have been repealed from the old Acts. It is proper to point out that it is very doubtful whether in the course of the many changes and amendments appearing in the Acts now consolidated these provisions have not been repealed. If they have it has clearly been an accident; and as it appears right that the Registrar-General and his clerks (whose duties involve titles and rights to property sometimes of very great importance to the parties concerned) should feel an obligation to discharge them with care and vigilance, the doubt has been resolved by retaining the penalties.

6. A small change has been made in the Schedule to supply an omission.

The above are the only changes which are or may possibly be considered to be changes in the substance of the Acts now consolidated. Other verbal alterations have been made to render the language of the old statutes (some of which were very badly drawn indeed) clearer, simpler, and more consistent, and to improve the arrangement. Provisions which have been repealed or have expired or become inoperative have been omitted. None of these alterations or omissions, however, change the law; and I certify that, except in the particulars abovementioned, the Bill now forwarded solely consolidates and does not expand, alter, or amend the law as appearing in the Acts consolidated.

CHAS. G. HEYDON,  
Commissioner







# Registration of Deeds.

TABLE showing sections of Acts intended to be consolidated in the accompanying Bill.

| Act.                       | Bill.           | Remarks.  |
|----------------------------|-----------------|---|
| <b>7 VICTORIA No. 16.</b>  |                 |   |
| 1                          | .....           | Repealing section.  |
| 2                          | 1               |   |
| 3                          | 6               |   |
| 4                          | .....           | In effect repealed by 13 Vic. No. 45, section 1.  |
| 5                          | .....           | In effect repealed by 13 Vic. No. 45, sections 1, 3.  |
| 6                          | .....           | Similar power given by 20 Vic. No. 27, section 3.   |
| 7                          | .....           | Operation exhausted.  |
| 8                          | 6, 7 (II)       | Part to be dealt with in other Acts.  |
| 9                          | 6 (i)           |   |
| 10                         | 6               | Part to be dealt with in other Acts.  |
| 11                         | 12              |   |
| 12                         | 9               |   |
| 13                         | 7 (i)           | Part to be dealt with in Evidence Act.  |
| 14                         | 10              |   |
| 15                         | 10 (IV), 7 (II) | In part superseded by section 29. In part to be dealt with by Liens on Wool Act.                                      |
| 16                         | .....           | } To be dealt with in Conveyancing, &c., Act.   |
| 17                         | .....           |   |
| 18                         | 8               | Part to be dealt with in Conveyancing, &c., Act.  |
| 19                         | 16 (I), (II)    |   |
| 20                         | 16 (III)        | Part to be dealt with in Conveyancing, &c., Act.  |
| 21                         | .....           | To be dealt with under Sheriff.   |
| 22                         | 3 (II)          | Part to be dealt with in Liens on Wool Act.   |
| 23                         | .....           | To be dealt with in Conveyancing, &c., Act.   |
| 24                         | .....           | To be dealt with in Evidence Act.   |
| 25                         | .....           | } To be dealt with in Conveyancing, &c., Act.   |
| 26                         | .....           |   |
| 27                         | 14              |   |
| 28                         | .....           | Part repealed and part to be dealt with in Criminal Law Act.  |
| 29                         | 11              |   |
| 30                         | .....           | Evidence.   |
| 31                         | .....           | Provision substituted by Probate Act, 1890.   |
| 32                         | .....           | } Obsolete sections.  |
| 33                         | .....           |   |
| 34                         | .....           |   |
| 35                         | .....           | Acts referred to repealed, 19 Vic. No. 30. To be considered in the Registration of Births, Deaths, and Marriages Act. |
| Schedule A...              | .....           | Conveyancing, &c., Act.   |
| „ B...                     | Second Schedule | Part to be dealt with in other Acts.  |
| <b>13 VICTORIA No. 45.</b> |                 |   |
| 1-6                        | .....           | In effect repealed, 20 Vic. No. 27.   |
| 7                          | 15              |   |
| 8                          | .....           | Conveyancing, &c., Act.   |
| 9                          | .....           | Exhausted.  |
| <b>20 VICTORIA No. 27.</b> |                 |   |
| 1                          | .....           | Section spent.  |
| 2                          | 3 (I)           |   |
| 3                          | 4               |   |
| 4                          | 7 (I), (II)     | Part to be dealt with in Conveyancing, &c., Act.  |
| <b>22 VICTORIA No. 1.</b>  |                 |   |
| 17                         | 13              |   |
| 18                         | 12 (II)         |   |
| <b>24 VICTORIA No. 7.</b>  |                 |   |
| 1                          | 12 (II)         |   |



# Registration of Deeds

Table showing sections of Acts intended to be consolidated in the accompanying Bill.

| Remarks  | Bill            | Act |
|--|-----------------|-----|
| 7 Victoria No. 16<br>Repealing section   | 1               | 1   |
| In effect repealed by 18 Vic. No. 43, section 1  | 2               | 2   |
| In effect repealed by 18 Vic. No. 43, section 1, 2   | 3               | 3   |
| Statute power given by 20 Vic. No. 27, section 2   | 4               | 4   |
| Operation extended   | 5               | 5   |
| Part to be dealt with in other Acts  | 6, 7, (ii)      | 6   |
| Part to be dealt with in other Acts  | 8 (i)           | 8   |
| Part to be dealt with in other Acts  | 9               | 9   |
| Part to be dealt with in other Acts  | 10              | 10  |
| Part to be dealt with in other Acts  | 11              | 11  |
| Part to be dealt with in other Acts  | 12              | 12  |
| Part to be dealt with in other Acts  | 13              | 13  |
| Part to be dealt with in other Acts  | 14              | 14  |
| Part to be dealt with in other Acts  | 15              | 15  |
| In part superseded by section 29, in part to be dealt with by clause on Wood Act                           | 16 (iv), 17 (i) | 16  |
| To be dealt with in Conveyancing Act   | 18              | 18  |
| Part to be dealt with in Conveyancing Act  | 19              | 19  |
| Part to be dealt with in Conveyancing Act  | 20              | 20  |
| To be dealt with under Special   | 21              | 21  |
| Part to be dealt with in clause on Wood Act  | 22              | 22  |
| To be dealt with in Conveyancing Act   | 23              | 23  |
| To be dealt with in Conveyancing Act   | 24              | 24  |
| To be dealt with in Conveyancing Act   | 25              | 25  |
| To be dealt with in Conveyancing Act   | 26              | 26  |
| Part repealed and part to be dealt with in original law Act  | 27              | 27  |
| Evidence   | 28              | 28  |
| Provision substituted by Provis. Act 1890  | 29              | 29  |
| Uthman sections  | 30              | 30  |
| Acts referred to repealed, 18 Vic. No. 30, to be considered in the registration of Deeds and Mortgages Act | 31              | 31  |
| Conveyancing Act   | 32              | 32  |
| Part to be dealt with in other Acts  | 33              | 33  |
| 18 Victoria No. 43<br>In effect repealed, 20 Vic. No. 27   | 34              | 34  |
| Conveyancing Act   | 35              | 35  |
| Repealed   | 36              | 36  |
| 20 Victoria No. 27<br>Section spent  | 37              | 37  |
| Part to be dealt with in Conveyancing Act  | 38 (i)          | 38  |
| Part to be dealt with in Conveyancing Act  | 39              | 39  |
| Part to be dealt with in Conveyancing Act  | 40 (ii)         | 40  |
| 22 Victoria No. 1  | 41              | 41  |
| Part to be dealt with in Conveyancing Act  | 42 (ii)         | 42  |
| 21 Victoria No. 7  | 43              | 43  |
| Part to be dealt with in Conveyancing Act  | 44 (ii)         | 44  |

Schedule A  
B

Second Schedule

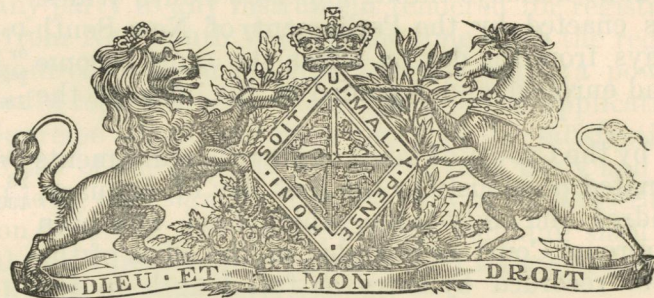


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,  
Sydney, 28th October, 1897. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO SEXAGESIMO PRIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. . (A.D. 1897.)

An Act to Consolidate the Law relating to the Registration of Deeds.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. This Act may be cited as the "Registration of Deeds Act, Short title. 1897."
2. The Acts mentioned in the First Schedule to this Act, to the extent to which the same are there expressed to be repealed, are hereby repealed. Repeal of Acts.
- 10 3. (I) The term "Registrar-General" throughout this Act shall mean the person appointed Registrar-General under the provisions of any Act for the time being in force for the establishment of a general register in New South Wales for the registration of births, deaths, and marriages. Registrar-General. 19 Vic. No. 34, s. 2. 20 Vic. No. 27, s. 2.
- 15 (II) For the several purposes of this Act, the term instrument shall, except where otherwise provided, include not only conveyances and other deeds, but also all instruments in writing whatsoever, whereby real or leasehold estate is affected or is intended so to be. Interpretation of the term instrument. 7 Vic. No. 16, s. 22.



*Registration of Deeds.*

4. The Registrar-General may, with the sanction of the Governor, appoint a deputy or deputies, whose acts with respect to all the duties by this Act imposed upon the Registrar-General shall have the same force and effect as if done by the Registrar-General.

Appointment of deputy.  
20 Vic. No. 27, s. 3.

5. (I) The office of the Registrar-General shall be kept open for the recording, registration, and filing of all grants, deeds, conveyances, instruments, and other documents in accordance with the provisions of this Act for not less than six hours, beginning at the hour of ten in the forenoon, on all Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays throughout the year, and for not less than three hours, beginning at the hour aforesaid, on all Saturdays throughout the year.

At what time office to be open.  
7 Vic. No. 16, s. 3.

(II) The said office shall not be open on Sundays, Christmas Day, Good Friday, and such other days as are duly notified in the Government Gazette as public holidays throughout New South Wales.

6. (I) All statutes enacted by the Parliament of New South Wales shall within ten days from the day on which the same become law be transmitted to and enrolled and recorded in the office of the Registrar-General.

Documents directed or permitted to be registered.  
*Ibid.* s. 9.

(II) All grants by the Crown of lands or other hereditaments in New South Wales alienated previously to the first day of January, one thousand eight hundred and sixty-three, which have not been already enrolled in the Supreme Court or recorded in the office of the Registrar-General, shall be recorded by entry at full length in the office of the Registrar-General in some book or books there kept for that purpose, and being so recorded shall for all purposes be of the like force and effect as if the same had been duly recorded under the provisions of the Act seventh Victoria number sixteen, and this Act had not been passed.

*Ibid.* s. 8.  
23 Vic. No. 9, ss. 12, 136.

(III) All wills and devises affecting any estate in land, and all instruments (except leases for less than three years) affecting any estate in land in New South Wales, and all charters of incorporation and memorials of companies may be registered in the office of the Registrar-General.

7 Vic. No. 16, ss. 8, 10.

(IV) Where any such instrument, charter, or memorial as aforesaid is already duly registered, recorded, enrolled, or deposited in the office of the Registrar-General in accordance with the provisions of the Acts hereby repealed, or any of them, the same shall not be required to be re-registered under this Act.

(V) Instruments which are registered or require to be registered under the provisions of the *Real Property Act* shall not be affected by the provisions of this Act.

7. (I) All instruments (other than wills) affecting any estate in land tendered for registration in the office of the Registrar-General shall be registered in the manner following, that is to say:—A full copy thereof upon good vellum or parchment, signed by some or one of the parties to the original instrument, and certified to be a true copy by the oath of one credible person, such oath having been taken before a Judge of the Supreme Court or before the Registrar-General or his deputy, or before any Commissioner of the Supreme Court for taking affidavits, not residing within five miles of Sydney, shall be filed in the office of the Registrar-General.

Mode of registering instruments relating to realty.  
*Ibid.* s. 13, and  
20 Vic. No. 27, s. 4.

(II) All wills and devises affecting any estate in land tendered for registration in the office of the Registrar-General shall be registered in the manner following, that is to say:—The will or a full copy thereof upon good vellum or parchment certified to be a true copy by the oath of one credible person taken before a Judge of the Supreme Court, or before the Registrar-General or his deputy, or before any commissioner of the Supreme Court for taking affidavits, not residing within five miles of Sydney, shall be filed in the office of the Registrar-General.

Mode of registering wills of realty.  
7 Vic. No. 16., s. 10.



*Registration of Deeds.*

8. (I) The original instrument to which any such certified copy or memorial relates shall be produced to the Judge or Registrar-General or other person before whom the same is verified as aforesaid.

Original instrument to be produced.  
7 Vic. No. 16, s. 18.

(II) If such instrument appears to have been executed by any party unable to write, then such Judge or Registrar-General or other person shall refuse to complete such certified copy by certifying the same, unless the execution by such party is attested by some justice of the peace or barrister or attorney or notary public, other than the party by whom such instrument has been prepared, whose attestation shall contain a certificate that the contents of such instrument were previously explained to the party so unable to write, and that the nature and effect thereof were at the time of such attestation to the best of the belief of such justice or barrister or attorney or notary public understood by such party.

Course to be taken if there is a marksman thereto.  
*Ibid.* s. 18.

9. When any party to any instrument tendered for registration is dead or absent from New South Wales at the time when the registration thereof is required to be made, the attorney under a power of attorney or the lawful representative of such party, upon application to a Judge of the Supreme Court, and upon proof to the satisfaction of such Judge of the fact of the death or absence of such party and upon the order of such Judge, may sign the attested copy of such instrument in the name and on behalf of such party, and such signing shall be as valid and effectual to all intents and purposes as if such attested copy had been signed by the original party thereto.

Representative or agent of deceased or absent party may sign attested copy.  
*Ibid.* s. 12.

10. (I) Upon the delivery into the Registrar-General's office of any such certified copy as aforesaid and the verification of the same, the Registrar-General or his deputy shall grant and sign a receipt for such copy, in which shall be specified the day and hour on which the same has been delivered into the said office, and the name and place of abode of the witnesses attesting or verifying the same, and the number of such verified copy according as the same shall be numbered in the said office, and such receipt shall be endorsed or written on the original instrument to which such certified copy relates, and shall also be entered on such certified copy.

Receipts by Registrar-General and endorsement.  
*Ibid.* s. 14.

(II) The time so endorsed shall be taken to be the time of the registration of every such instrument whereof such certified copy has been made as aforesaid.

Time endorsed conclusive.

(III) Every such certified copy so delivered into the said office shall be numbered successively according to the order of time in which the same has been delivered, and shall immediately be registered according to such number and order of time in a book or books to be provided and kept for such purpose in the said office, and every such book shall be open at all convenient times to the inspection of all persons desirous of searching the same.

Entry in, and inspection of register.

(IV) No certified copy as aforesaid having therein any erasures or interlineation shall be received by the Registrar-General into his office, unless such erasure or interlineation is noticed in the margin opposite thereto by the signature or initials of the person certifying on oath to the truth and correctness of such copy.

Erasures and interlineations to be noted.  
*Ibid.* s. 15.

11. The Registrar-General shall, from time to time, prescribe the form and size of copies of deeds, memorials, and other instruments to be registered in his office, so as to facilitate reference to them and render their preservation secure, and shall also make proper indexes to all registrations that (as far as may be) information may readily be obtained by parties interested therein, as to all incumbrances and liens or instruments affecting or intended to affect real estate in New South Wales.

Form and size of certified copies, &c.  
*Ibid.* s. 29.

12. (I) All instruments (wills excepted) affecting any lands or hereditaments, or any other property, in New South Wales which are

Deeds to take effect according to priority of registration.

*Ibid.* s. 11.



*Registration of Deeds.*

are executed or made *bona fide*, and for valuable consideration, and are duly registered under the provisions of this Act, or of any Act hereby repealed, shall have and take priority not according to their respective dates but according to the priority of the registration thereof only.

- 5 (II) No instrument registered under the provisions of this Act shall lose any priority to which it would be entitled by virtue of such registration by reason only of bad faith in the conveying party, if the party beneficially taking under such instrument acted *bona fide*, and there was valuable consideration given for the same. Registered deed—  
Fraud of conveying party.  
22 Vic. No. 1, s. 18.  
24 Vic. No. 7.
- 10 13. No registration of any instrument under this Act, intended to be in pursuance of this Act, shall be defeated or made ineffectual by reason of any omission, misdescription, or error in any case where the identity of the instrument in evidence with the one alleged to have been registered is established, and the substantial requirements of this Act have been complied with. OR  
Mistakes in registration.  
22 Vic. No. 1, s. 17.
- 15 14. Any person wilfully forswearing himself, or stating anything contrary to the truth in any oath taken under this Act shall be deemed guilty of perjury. False swearing to be perjury.  
7 Vic. No. 16, s. 27.
- 20 15. If the Registrar-General or his deputy or any clerk in the office of the Registrar-General upon whom the duty devolves, wilfully or negligently omits to number, register, or enter, or cause to be numbered, registered, or entered in the manner herein directed any instrument or certificate delivered into the said office, the person so offending shall forfeit to the Crown for every such offence the penalty of one hundred pounds, and be further liable in damages to the party injured to the extent of the loss or injury sustained. Penalties for neglect of Registrar-General or clerk in registering instruments.  
13 Vic. No. 45, s. 7.
- 25 16. (I) The several fees mentioned in the Second Schedule to this Act shall (except as is hereinafter provided) be taken by the Registrar-General for the several matters and things in the said Schedule mentioned, and a true and regular account of all such fees shall be kept in the Registrar-General's office, and all such fees shall be accounted for and paid over by the Registrar-General to the Public Treasury. Fees payable under this Act.  
7 Vic. No. 16, s. 19.
- 30 (II) The fees payable on the enrolment of any grant from the Crown shall not be paid to the Registrar-General but to the Colonial Treasurer, or to such other officer as is appointed by the Governor to deliver such grant upon the delivery of the same to such grantee or to his representatives or assigns; and all such fees so paid shall be accounted for and applied in the same manner as other public moneys coming into the hands of the Colonial Treasurer are required to be
- 35 40 accounted for and applied. Ibid.
- (III) In addition to the fees aforesaid every such commissioner of affidavits as aforesaid may demand, and have for his own use for the taking of every verification of any such certified copy as aforesaid, the sum of two shillings and sixpence. Ibid. s. 20.

## SCHEDULES.



*Registration of Deeds.*

## SCHEDULES.

## FIRST SCHEDULE.

| Date of Act.  | Name of Act.                                       | Extent of repeal.   |
|---------------|--|---|
| 5<br>10<br>15 | 7 Vic. No. 16 ...<br>Registration of Deeds... ..   | Sections 1-7 (inclusive), 9, 11, 12, 14, 19, 27, 29, 31-34 (inclusive), the whole; sections 8, 10, 15, 18, 20, 22, and Schedule B, the whole, except so far as such sections and such Schedule respectively relate to stock, to mortgages of stock, to liens on wool, to certificates and registers of births or baptisms, marriages, and burials, or to acknowledgments of deeds; section 13, the whole, except so far as such section relates to the receiving of certified copies as secondary evidence. |
| 20            | 13 Vic. No. 45 ...<br>Transfer of Registry ... ..  | Sections 1-7 (inclusive) and 9, the whole.  |
| 25            | 20 Vic. No. 27 ...<br>Transfer of Registry ... ..  | Sections 1-3 (inclusive), the whole; section 4, the whole, except so far as it relates to acknowledgments of deeds.   |
|               | 22 Vic. No. 1 ...<br>Titles to Land ... ..         | Sections 17 and 18, the whole.  |
|               | 24 Vic. No. 7 ...<br>Registration Amendment ... .. | The whole.  |

## SECOND SCHEDULE.

|    |  | s. | d. |
|----|--|----|----|
| 30 | 1. For receiving every will or certified copy for registration including verifying the same and indorsement of receipt on original deed ... .. | 7  | 6  |
|    | 2. For the enrolment of every grant of land where the quantity granted shall not exceed 50 acres ... ..  | 5  | 0  |
|    | 3. For the enrolment of every grant of land where the quantity shall be over 50 but under 300 acres ... ..                                     | 7  | 6  |
| 35 | 4. For the enrolment of every grant of land where the quantity shall exceed 300 acres ... ..   | 10 | 0  |
| 40 | 5. For every search for copy of any deed or for any memorial of any deed or for will or copy of will of one property ... ..                    | 2  | 6  |
|    | 6. For every search for any copy of any grant of land ... ..   | 2  | 6  |
| 40 | 7. For every examined copy of memorial or of any deed not exceeding six folios ... ..  | 5  | 0  |
|    | 8. For every folio of 90 words exceeding six folios ... ..   | 0  | 8  |
|    | 9. For every extract from any memorial, will, or other writing, per folio ... ..   | 0  | 8  |
| 45 | 10. For receiving and noting every will deposited for safe custody under any statutory provision ... ..  | 5  | 0  |
|    | 11. For every examined copy of deed of public company or charter of incorporation, per folio ... ..  | 0  | 8  |
|    | 12. For every search for will ... ..   | 1  | 0  |
| 50 | 13. For every search for copy of deed of settlement of public company or charter of incorporation ... ..                                       | 1  | 0  |







## Memo. to accompany the Bill to Consolidate the Law relating to the Registration of Deeds.

IN dealing with the Acts consolidated in this Bill, the following modifications have been made:—

1. It is at least doubtful whether, under the Act 7 Vic. No. 16, section 3 (the original Act), the Registrar General is not legally bound to keep open his office for the registration of deeds on Saturday afternoons and on all public holidays, except Christmas Day and Good Friday. He has in fact always closed on Saturday afternoons and on all public holidays. It has been thought unadvisable to re-enact provisions which seem useless, and have been disregarded for over fifty years, and clause 5 of the Bill accordingly assimilates the law to that prevailing with regard to the rest of the Public Service and the general community.

2. Section 8 of the original Act is inconsistent with section 10. It provides a method of registering wills quite different from that in section 10. It is also a difficult and round-about, if not impossible method, because the will has to be registered as if it were a deed; and the provisions for registering deeds are inapplicable to wills. There is no advantage whatever in having two methods of registering wills, as the effect of registration in each case is exactly the same. As far as can be ascertained no will has ever been registered under the clumsy provisions of this section. It has therefore been omitted, and the simpler terms of section 10 (the only one ever used) have alone been consolidated. If this had not been done a confused, useless, and almost unintelligible piece of legislation would have been renewed, and the desire to make the consolidated statutes clear to all would have been to that extent defeated.

3. By section 15 of the original Act the form and size of documents to be registered were prescribed. Then by section 29 the form and size were left to the discretion of the Registrar-General. This gave him power to alter at any time the provisions of the earlier section. It seems better therefore to leave such a matter of administrative detail entirely to him, and to avoid the possibility of raising any doubt as to the validity of a registration not exactly in accordance with the prior section; a section which, now that the practice has become established, seems to have done its work, and to be a mere unnecessary addition to the bulk of the statutes.

4. In clause 12 the words "*bona-fide and* for valuable consideration" have been used instead of "*bona-fide or* for valuable consideration." This does not change the law, but follows the decision of the Supreme Court in the case of *Jones v. Collins*, 11 N.S.W. L.R. p. 247, and in an earlier case. In those cases it was decided that the word "or" must be read "and." If the section were not now altered in its wording so as to conform expressly with these judgments persons not acquainted with the decisions of the Court might be misled by the statute.

5. By clause 15 certain penalties upon the Registrar-General and his clerks for wilful or careless neglect of duty have been repealed from the old Acts. It is proper to point out that it is very doubtful whether in the course of the many changes and amendments appearing in the Acts now consolidated these provisions have not been repealed. If they have it has clearly been an accident; and as it appears right that the Registrar-General and his clerks (whose duties involve titles and rights to property sometimes of very great importance to the parties concerned) should feel an obligation to discharge them with care and vigilance, the doubt has been resolved by retaining the penalties.

6. A small change has been made in the Schedule to supply an omission.

The above are the only changes which are or may possibly be considered to be changes in the substance of the Acts now consolidated. Other verbal alterations have been made to render the language of the old statutes (some of which were very badly drawn indeed) clearer, simpler, and more consistent, and to improve the arrangement. Provisions which have been repealed or have expired or become inoperative have been omitted. None of these alterations or omissions, however, change the law; and I certify that, except in the particulars abovementioned, the Bill now forwarded solely consolidates and does not expand, alter, or amend the law as appearing in the Acts consolidated.

CHAS. G. HEYDON,  
Commissioner.







# Registration of Deeds.

TABLE showing sections of Acts intended to be consolidated in the accompanying Bill.

| Act.                | Bill.           | Remarks.  |
|---------------------|-----------------|---|
| 7 VICTORIA No. 16.  |                 |   |
| 1                   | .....           | Repealing section.  |
| 2                   | 1               |   |
| 3                   | 6               |   |
| 4                   | .....           | In effect repealed by 13 Vic. No. 45, section 1.  |
| 5                   | .....           | In effect repealed by 13 Vic. No. 45, sections 1, 3.  |
| 6                   | .....           | Similar power given by 20 Vic. No. 27, section 3.   |
| 7                   | .....           | Operation exhausted.  |
| 8                   | 6, 7 (II)       | Part to be dealt with in other Acts.  |
| 9                   | 6 (I)           |   |
| 10                  | 6               | Part to be dealt with in other Acts.  |
| 11                  | 12              |   |
| 12                  | 9               |   |
| 13                  | 7 (I)           | Part to be dealt with in Evidence Act.  |
| 14                  | 10              |   |
| 15                  | 10 (IV), 7 (II) | In part superseded by section 29. In part to be dealt with by Liens on Wool Act.                                      |
| 16                  | .....           | } To be dealt with in Conveyancing, &c., Act.   |
| 17                  | .....           |   |
| 18                  | 8               | Part to be dealt with in Conveyancing, &c., Act.  |
| 19                  | 16 (I), (II)    |   |
| 20                  | 16 (III)        | Part to be dealt with in Conveyancing, &c., Act.  |
| 21                  | .....           | To be dealt with under Sheriff.   |
| 22                  | 3 (II)          | Part to be dealt with in Liens on Wool Act.   |
| 23                  | .....           | To be dealt with in Conveyancing, &c., Act.   |
| 24                  | .....           | To be dealt with in Evidence Act.   |
| 25                  | .....           | } To be dealt with in Conveyancing, &c., Act.   |
| 26                  | .....           |   |
| 27                  | 14              |   |
| 28                  | .....           | Part repealed and part to be dealt with in Criminal Law Act.  |
| 29                  | 11              |   |
| 30                  | .....           | Evidence.   |
| 31                  | .....           | Provision substituted by Probate Act, 1890.   |
| 32                  | .....           | } Obsolete sections.  |
| 33                  | .....           |   |
| 34                  | .....           |   |
| 35                  | .....           |   |
| Schedule A...       | .....           | Acts referred to repealed, 19 Vic. No. 30. To be considered in the Registration of Births, Deaths, and Marriages Act. |
| „ B...              | Second Schedule | Conveyancing, &c., Act.<br>Part to be dealt with in other Acts.   |
| 13 VICTORIA No. 45. |                 |   |
| 1-6                 | .....           | In effect repealed, 20 Vic. No. 27.   |
| 7                   | 15              |   |
| 8                   | .....           | Conveyancing, &c., Act.   |
| 9                   | .....           | Exhausted.  |
| 20 VICTORIA No. 27. |                 |   |
| 1                   | .....           | Section spent.  |
| 2                   | 3 (I)           |   |
| 3                   | 4               |   |
| 4                   | 7 (I), (II)     | Part to be dealt with in Conveyancing, &c., Act.  |
| 22 VICTORIA No. 1.  |                 |   |
| 17                  | 13              |   |
| 18                  | 12 (II)         |   |
| 24 VICTORIA No. 7.  |                 |   |
| 1                   | 12 (II)         |   |



# Registration of Deeds

TABLE showing sections of Acts intended to be consolidated in the accompanying Bill

| Acts | Bill    | Remarks           |
|------|---------|-------------------|
| 1    | 12 (ii) | 24 Victoria No. 7 |
| 2    | 12 (ii) | 24 Victoria No. 7 |
| 3    | 12 (ii) | 24 Victoria No. 7 |
| 4    | 12 (ii) | 24 Victoria No. 7 |
| 5    | 12 (ii) | 24 Victoria No. 7 |
| 6    | 12 (ii) | 24 Victoria No. 7 |
| 7    | 12 (ii) | 24 Victoria No. 7 |
| 8    | 12 (ii) | 24 Victoria No. 7 |
| 9    | 12 (ii) | 24 Victoria No. 7 |
| 10   | 12 (ii) | 24 Victoria No. 7 |
| 11   | 12 (ii) | 24 Victoria No. 7 |
| 12   | 12 (ii) | 24 Victoria No. 7 |
| 13   | 12 (ii) | 24 Victoria No. 7 |
| 14   | 12 (ii) | 24 Victoria No. 7 |
| 15   | 12 (ii) | 24 Victoria No. 7 |
| 16   | 12 (ii) | 24 Victoria No. 7 |
| 17   | 12 (ii) | 24 Victoria No. 7 |
| 18   | 12 (ii) | 24 Victoria No. 7 |
| 19   | 12 (ii) | 24 Victoria No. 7 |
| 20   | 12 (ii) | 24 Victoria No. 7 |
| 21   | 12 (ii) | 24 Victoria No. 7 |
| 22   | 12 (ii) | 24 Victoria No. 7 |
| 23   | 12 (ii) | 24 Victoria No. 7 |
| 24   | 12 (ii) | 24 Victoria No. 7 |
| 25   | 12 (ii) | 24 Victoria No. 7 |
| 26   | 12 (ii) | 24 Victoria No. 7 |
| 27   | 12 (ii) | 24 Victoria No. 7 |
| 28   | 12 (ii) | 24 Victoria No. 7 |
| 29   | 12 (ii) | 24 Victoria No. 7 |
| 30   | 12 (ii) | 24 Victoria No. 7 |
| 31   | 12 (ii) | 24 Victoria No. 7 |
| 32   | 12 (ii) | 24 Victoria No. 7 |
| 33   | 12 (ii) | 24 Victoria No. 7 |
| 34   | 12 (ii) | 24 Victoria No. 7 |
| 35   | 12 (ii) | 24 Victoria No. 7 |
| 36   | 12 (ii) | 24 Victoria No. 7 |
| 37   | 12 (ii) | 24 Victoria No. 7 |
| 38   | 12 (ii) | 24 Victoria No. 7 |
| 39   | 12 (ii) | 24 Victoria No. 7 |
| 40   | 12 (ii) | 24 Victoria No. 7 |
| 41   | 12 (ii) | 24 Victoria No. 7 |
| 42   | 12 (ii) | 24 Victoria No. 7 |
| 43   | 12 (ii) | 24 Victoria No. 7 |
| 44   | 12 (ii) | 24 Victoria No. 7 |
| 45   | 12 (ii) | 24 Victoria No. 7 |
| 46   | 12 (ii) | 24 Victoria No. 7 |
| 47   | 12 (ii) | 24 Victoria No. 7 |
| 48   | 12 (ii) | 24 Victoria No. 7 |
| 49   | 12 (ii) | 24 Victoria No. 7 |
| 50   | 12 (ii) | 24 Victoria No. 7 |
| 51   | 12 (ii) | 24 Victoria No. 7 |
| 52   | 12 (ii) | 24 Victoria No. 7 |
| 53   | 12 (ii) | 24 Victoria No. 7 |
| 54   | 12 (ii) | 24 Victoria No. 7 |
| 55   | 12 (ii) | 24 Victoria No. 7 |
| 56   | 12 (ii) | 24 Victoria No. 7 |
| 57   | 12 (ii) | 24 Victoria No. 7 |
| 58   | 12 (ii) | 24 Victoria No. 7 |
| 59   | 12 (ii) | 24 Victoria No. 7 |
| 60   | 12 (ii) | 24 Victoria No. 7 |
| 61   | 12 (ii) | 24 Victoria No. 7 |
| 62   | 12 (ii) | 24 Victoria No. 7 |
| 63   | 12 (ii) | 24 Victoria No. 7 |
| 64   | 12 (ii) | 24 Victoria No. 7 |
| 65   | 12 (ii) | 24 Victoria No. 7 |
| 66   | 12 (ii) | 24 Victoria No. 7 |
| 67   | 12 (ii) | 24 Victoria No. 7 |
| 68   | 12 (ii) | 24 Victoria No. 7 |
| 69   | 12 (ii) | 24 Victoria No. 7 |
| 70   | 12 (ii) | 24 Victoria No. 7 |
| 71   | 12 (ii) | 24 Victoria No. 7 |
| 72   | 12 (ii) | 24 Victoria No. 7 |
| 73   | 12 (ii) | 24 Victoria No. 7 |
| 74   | 12 (ii) | 24 Victoria No. 7 |
| 75   | 12 (ii) | 24 Victoria No. 7 |
| 76   | 12 (ii) | 24 Victoria No. 7 |
| 77   | 12 (ii) | 24 Victoria No. 7 |
| 78   | 12 (ii) | 24 Victoria No. 7 |
| 79   | 12 (ii) | 24 Victoria No. 7 |
| 80   | 12 (ii) | 24 Victoria No. 7 |
| 81   | 12 (ii) | 24 Victoria No. 7 |
| 82   | 12 (ii) | 24 Victoria No. 7 |
| 83   | 12 (ii) | 24 Victoria No. 7 |
| 84   | 12 (ii) | 24 Victoria No. 7 |
| 85   | 12 (ii) | 24 Victoria No. 7 |
| 86   | 12 (ii) | 24 Victoria No. 7 |
| 87   | 12 (ii) | 24 Victoria No. 7 |
| 88   | 12 (ii) | 24 Victoria No. 7 |
| 89   | 12 (ii) | 24 Victoria No. 7 |
| 90   | 12 (ii) | 24 Victoria No. 7 |
| 91   | 12 (ii) | 24 Victoria No. 7 |
| 92   | 12 (ii) | 24 Victoria No. 7 |
| 93   | 12 (ii) | 24 Victoria No. 7 |
| 94   | 12 (ii) | 24 Victoria No. 7 |
| 95   | 12 (ii) | 24 Victoria No. 7 |
| 96   | 12 (ii) | 24 Victoria No. 7 |
| 97   | 12 (ii) | 24 Victoria No. 7 |
| 98   | 12 (ii) | 24 Victoria No. 7 |
| 99   | 12 (ii) | 24 Victoria No. 7 |
| 100  | 12 (ii) | 24 Victoria No. 7 |







Appointment of deputy.  
20 Vic. No. 27, s. 3.

4. The Registrar-General may, with the sanction of the Governor, appoint a deputy or deputies, whose acts with respect to all the duties by this Act imposed upon the Registrar-General shall have the same force and effect as if done by the Registrar-General.

At what time office to be open.  
7 Vic. No. 16, s. 3.

5. (I) The office of the Registrar-General shall be kept open for the recording, registration, and filing of all grants, deeds, conveyances, instruments, and other documents in accordance with the provisions of this Act for not less than six hours, beginning at the hour of ten in the forenoon, on all Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays throughout the year, and for not less than three hours, beginning at the hour aforesaid, on all Saturdays throughout the year.

(II) The said office shall not be open on Sundays, Christmas Day, Good Friday, and such other days as are duly notified in the *Government Gazette* as public holidays throughout New South Wales.

Documents directed or permitted to be registered.  
*Ibid.* s. 9.

6. (I) All statutes enacted by the Parliament of New South Wales shall within ten days from the day on which the same become law be transmitted to and enrolled and recorded in the office of the Registrar-General.

*Ibid.* s. 8.  
26 Vic. No. 9, ss. 12, 136.

(II) All grants by the Crown of lands or other hereditaments in New South Wales alienated previously to the first day of January, one thousand eight hundred and sixty-three, which have not been already enrolled in the Supreme Court or recorded in the office of the Registrar-General, shall be recorded by entry at full length in the office of the Registrar-General in some book or books there kept for that purpose, and being so recorded shall for all purposes be of the like force and effect as if the same had been duly recorded under the provisions of the Act seventh Victoria number sixteen, and this Act had not been passed.

7 Vic. No. 16, ss. 8, 10.

(III) All wills and devises affecting any estate in land, and all instruments (except leases for less than three years) affecting any estate in land in New South Wales, and all charters of incorporation and memorials of companies may be registered in the office of the Registrar-General.

(IV) Where any such instrument, charter, or memorial as aforesaid is already duly registered, recorded, enrolled, or deposited in the office of the Registrar-General in accordance with the provisions of the Acts hereby repealed, or any of them, the same shall not be required to be re-registered under this Act.

(V) Instruments which are registered or require to be registered under the provisions of the *Real Property Act* shall not be affected by the provisions of this Act.

Mode of registering instruments relating to realty.  
*Ibid.* s. 13, and  
20 Vic. No. 27, s. 4.

7. (I) All instruments (other than wills) affecting any estate in land tendered for registration in the office of the Registrar-General shall be registered in the manner following, that is to say:—A full copy thereof upon good vellum or parchment, signed by some or one of the parties to the original instrument, and certified to be a true copy by the oath of one credible person, such oath having been taken before a Judge of the Supreme Court or before the Registrar-General or his deputy, or before any Commissioner of the Supreme Court for taking affidavits, not residing within five miles of Sydney, shall be filed in the office of the Registrar-General.

Mode of registering wills of realty.  
7 Vic. No. 16., s. 10.

(II) All wills and devises affecting any estate in land tendered for registration in the office of the Registrar-General shall be registered in the manner following, that is to say:—The will or a full copy thereof upon good vellum or parchment certified to be a true copy by the oath of one credible person taken before a Judge of the Supreme Court, or before the Registrar-General or his deputy, or before any commissioner of the Supreme Court for taking affidavits, not residing within five miles of Sydney, shall be filed in the office of the Registrar-General.



8. (I) The original instrument to which any such certified copy or memorial relates shall be produced to the Judge or Registrar-General or other person before whom the same is verified as aforesaid.

Original instrument to be produced.  
7 Vic. No. 16, s. 18.

(II) If such instrument appears to have been executed by any party unable to write, then such Judge or Registrar-General or other person shall refuse to complete such certified copy by certifying the same, unless the execution by such party is attested by some justice of the peace or barrister or attorney or notary public, other than the party by whom such instrument has been prepared, whose attestation shall contain a certificate that the contents of such instrument were previously explained to the party so unable to write, and that the nature and effect thereof were at the time of such attestation to the best of the belief of such justice or barrister or attorney or notary public understood by such party.

Course to be taken if there is a marksman thereto.  
*Ibid.* s. 18.

9. When any party to any instrument tendered for registration is dead or absent from New South Wales at the time when the registration thereof is required to be made, the attorney under a power of attorney or the lawful representative of such party, upon application to a Judge of the Supreme Court, and upon proof to the satisfaction of such Judge of the fact of the death or absence of such party and upon the order of such Judge, may sign the attested copy of such instrument in the name and on behalf of such party, and such signing shall be as valid and effectual to all intents and purposes as if such attested copy had been signed by the original party thereto.

Representative or agent of deceased or absent party may sign attested copy.  
*Ibid.* s. 12.

10. (I) Upon the delivery into the Registrar-General's office of any such certified copy as aforesaid and the verification of the same, the Registrar-General or his deputy shall grant and sign a receipt for such copy, in which shall be specified the day and hour on which the same has been delivered into the said office, and the name and place of abode of the witnesses attesting or verifying the same, and the number of such verified copy according as the same shall be numbered in the said office, and such receipt shall be endorsed or written on the original instrument to which such certified copy relates, and shall also be entered on such certified copy.

Receipts by Registrar-General and endorsement.  
*Ibid.* s. 14.

(II) The time so endorsed shall be taken to be the time of the registration of every such instrument whereof such certified copy has been made as aforesaid.

Time endorsed conclusive.

(III) Every such certified copy so delivered into the said office shall be numbered successively according to the order of time in which the same has been delivered, and shall immediately be registered according to such number and order of time in a book or books to be provided and kept for such purpose in the said office, and every such book shall be open at all convenient times to the inspection of all persons desirous of searching the same.

Entry in, and inspection of register.

(IV) No certified copy as aforesaid having therein any erasures or interlineations, shall be received by the Registrar-General into his office, unless such erasure or interlineation is noticed in the margin opposite thereto by the signature or initials of the person certifying on oath to the truth and correctness of such copy.

Erasures and interlineations to be noted.  
*Ibid.* s. 15.

11. The Registrar-General shall, from time to time, prescribe the form and size of copies of deeds, memorials, and other instruments to be registered in his office, so as to facilitate reference to them and render their preservation secure, and shall also make proper indexes to all registrations that (as far as may be) information may readily be obtained by parties interested therein, as to all incumbrances and liens or instruments affecting or intended to affect real estate in New South Wales.

Form and size of certified copies, &c.  
*Ibid.* s. 29.

12. (I) All instruments (wills excepted) affecting any lands or hereditaments, or any other property, in New South Wales which

Deeds to take effect according to priority of registration.

are *Ibid.* s. 11.



- are executed or made *bona fide*, and for valuable consideration, and are duly registered under the provisions of this Act, or of any Act hereby repealed, shall have and take priority not according to their respective dates but according to the priority of the registration thereof only.
- Registered deed—  
Fraud of conveying party.  
22 Vic. No. 1, s. 18.  
24 Vic. No. 7.
- (II) No instrument registered under the provisions of this Act shall lose any priority to which it would be entitled by virtue of such registration by reason only of bad faith in the conveying party, if the party beneficially taking under such instrument acted *bona fide*, and there was valuable consideration given for the same. 5
- Mistakes in registration.  
22 Vic. No. 1, s. 17.
13. No registration of any instrument under this Act, or intended to be in pursuance of this Act, shall be defeated or made ineffectual by reason of any omission, misdescription, or error in any case where the identity of the instrument in evidence with the one alleged to have been registered is established, and the substantial requirements of this Act have been complied with. 10
- False swearing to be perjury.  
7 Vic. No. 16, s. 27.
14. Any person wilfully forswearing himself, or stating anything contrary to the truth in any oath taken under this Act shall be deemed guilty of perjury. 15
- Penalties for neglect of Registrar-General or clerk in registering instruments.  
13 Vic. No. 45, s. 7.
15. If the Registrar-General or his deputy or any clerk in the office of the Registrar-General upon whom the duty devolves, wilfully or negligently omits to number, register, or enter, or cause to be numbered, registered, or entered in the manner herein directed any instrument or certificate delivered into the said office, the person so offending shall forfeit to the Crown for every such offence the penalty of one hundred pounds, and be further liable in damages to the party injured to the extent of the loss or injury sustained. 20
- Fees payable under this Act.  
7 Vic. No. 16, s. 19.
16. (I) The several fees mentioned in the Second Schedule to this Act shall (except as is hereinafter provided) be taken by the Registrar-General for the several matters and things in the said Schedule mentioned, and a true and regular account of all such fees shall be kept in the Registrar-General's office, and all such fees shall be accounted for and paid over by the Registrar-General to the Public Treasury. 30
- Ibid.*
- (II) The fees payable on the enrolment of any grant from the Crown shall not be paid to the Registrar-General but to the Colonial Treasurer, or to such other officer as is appointed by the Governor to deliver such grant upon the delivery of the same to such grantee or to his representatives or assigns; and all such fees so paid shall be accounted for and applied in the same manner as other public moneys coming into the hands of the Colonial Treasurer are required to be accounted for and applied. 40
- Ibid.* s. 20.
- (III) In addition to the fees aforesaid every such commissioner of affidavits as aforesaid may demand, and have for his own use for the taking of every verification of any such certified copy as aforesaid, the sum of two shillings and sixpence.



SCHEDULES.

FIRST SCHEDULE.

| Date of Act.  | Name of Act.                                   | Extent of repeal.   |
|---------------|--|---|
| 5<br>10<br>15 | 7 Vic. No. 16 ...<br>Registration of Deeds...  | Sections 1-7 (inclusive), 9, 11, 12, 14, 19, 27, 29, 31-34 (inclusive), the whole; sections 8, 10, 15, 18, 20, 22, and Schedule B, the whole, except so far as such sections and such Schedule respectively relate to stock, to mortgages of stock, to liens on wool, to certificates and registers of births or baptisms, marriages, and burials, or to acknowledgments of deeds; section 13, the whole, except so far as such section relates to the receiving of certified copies as secondary evidence. |
| 20            | 18 Vic. No. 45 ...<br>Transfer of Registry ... | Sections 1-7 (inclusive) and 9, the whole.  |
| 20            | Vic. No. 27 ...<br>Transfer of Registry ...    | Sections 1-3 (inclusive), the whole; section 4, the whole, except so far as it relates to acknowledgments of deeds.   |
| 25            | 22 Vic. No. 1 ...<br>Titles to Land ...        | Sections 17 and 18, the whole.  |
| 24            | Vic. No. 7 ...<br>Registration Amendment ...   | The whole.  |

SECOND SCHEDULE.

|    |   | s. | d. |
|----|---|----|----|
| 30 | 1. For receiving every will or certified copy for registration including verifying the same and indorsement of receipt on original deed ... | 7  | 6  |
|    | 2. For the enrolment of every grant of land where the quantity granted shall not exceed 50 acres ...  | 5  | 0  |
|    | 3. For the enrolment of every grant of land where the quantity shall be over 50 but under 300 acres ...                                     | 7  | 6  |
| 35 | 4. For the enrolment of every grant of land where the quantity shall exceed 300 acres ...   | 10 | 0  |
|    | 5. For every search for copy of any deed or for any memorial of any deed or for will or copy of will of one property ...                    | 2  | 6  |
|    | 6. For every search for any copy of any grant of land ...   | 2  | 6  |
| 40 | 7. For every examined copy of memorial or of any deed not exceeding six folios ...  | 5  | 0  |
|    | 8. For every folio of 90 words exceeding six folios ...   | 0  | 8  |
|    | 9. For every extract from any memorial, will, or other writing, per folio ...   | 0  | 8  |
| 45 | 10. For receiving and noting every will deposited for safe custody under any statutory provision ...  | 5  | 0  |
|    | 11. For every examined copy of deed of public company or charter of incorporation, per folio ...  | 0  | 8  |
|    | 12. For every search for will ...   | 1  | 0  |
| 50 | 13. For every search for copy of deed of settlement of public company or charter of incorporation ...                                       | 1  | 0  |

Sydney: William Applegate Gullick, Government Printer.—1897.

[9d.]



