

No. X.

DEEDS
REGISTRATION.
—

An Act to amend an Act intituled “ *An Act to amend the Act for the Registration of Deeds and to provide for the establishment of a separate Registry for Sydney and Port Phillip respectively.*” [10th September, 1850.]

Preamble.

5 Vic. No. 21.

6 Geo. IV. No. 22.

WHEREAS by an Act of the Governor and Legislative Council of New South Wales passed in the fifth year of the reign of Her present Majesty Queen Victoria intituled “ *An Act to amend an Act for the Registration of Deeds and to provide for the establishment of a separate Registry for Sydney and Port Phillip respectively*” it is enacted that every memorial which by an Act of the said Governor and Council passed in the sixth year of the reign of King George the Fourth intituled “ *An Act for registering Deeds and Conveyances in New South Wales and for other purposes*” or by the said first recited Act is required to be verified and every acknowledgment by a married woman

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woman or other person which by either of the said recited Acts are directed in certain cases to be made might be verified and made respectively within the District of Port Phillip before the Deputy Registrar or other person who might be appointed to discharge the duties of Registrar there or before any Commissioner of the Supreme Court of New South Wales appointed in any part of the Colony under the said last recited Act for those purposes (such Commissioner not being a party to the instrument nor having been employed to prepare the same) And whereas doubts and difficulties having arisen as to the appointment of other persons in case of the absence or illness of the Deputy Registrar to fulfil the duties required to be performed by the said Deputy Registrar and as to the authority of Commissioners appointed by the Resident Judge for the District of Port Phillip to perform the duties hereinbefore mentioned and it is desirable that such doubts and difficulties should no longer exist Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act it shall be lawful for the said Resident Judge to appoint a Commissioner or Commissioners for the purposes mentioned in the said last recited Act in any part of the District of Port Phillip and in the absence (whether through illness or leave or from any unavoidable contingency) of the Deputy Registrar to declare by rule or order what person shall discharge the duties of the said Deputy Registrar and it shall be lawful for the person so appointed during such illness leave or unavoidable contingency to act in the stead of the said Deputy Registrar and to sign and indorse in his name all such memorials receipts and other papers as require his signature and perform all and every such other acts and deeds as appertain to and constitute the duties of such Deputy Registrar Provided that such absence as aforesaid shall not be taken to include absence from the Colony for a longer period than two months And provided nevertheless that the said Deputy Registrar and his sureties shall be liable and answerable for the laches neglect or misconduct of such person so appointed in the same manner as such Deputy Registrar and his sureties would be liable in case such acts laches or misconduct had been done or suffered by the Deputy Registrar himself.

Resident Judge at Melbourne empowered to appoint a Commissioner or Commissioners to perform the duty of the Deputy Registrar in case of his absence or illness.

2. And whereas doubts have arisen as to the validity of memorials and acknowledgments verified or made by or before any other persons than the said Deputy Registrar or than by or before a Commissioner of the Supreme Court of New South Wales and as to the validity of receipts and indorsements made and signed by any other person than the said Deputy Registrar Be it enacted That every memorial which by the said hereinbefore two recited Acts are or is required to be verified and every acknowledgment by a married woman or other person which by the said recited Acts are directed in certain cases to be made and verified as aforesaid and which shall at any time before the passing of this Act have been verified or made before a Commissioner appointed by the said Resident Judge or before any Clerk of the Supreme Court of New South Wales for the District of Port Phillip shall be as valid and effectual as if the same had been verified or made and certified before the Deputy Registrar of the Supreme Court of New South Wales for the District of Port Phillip or before a Commissioner of the Supreme Court of New South Wales and that every receipt and indorsement which by the fourth section of the said last recited Act is directed to be signed by the Deputy Registrar and which shall have at any time prior to the passing of this Act been signed by any Clerk of the Supreme Court of New South Wales for the District of Port Phillip shall be as valid and effectual as if signed by the said Deputy Registrar and shall on proof of such signature

Memorials and acknowledgments heretofore verified or made before a Commissioner so appointed to be valid.

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signature be taken and allowed as evidence of the registration of the instrument on which it shall be indorsed and of the time when such registration was made.

Commissioner so appointed to have the same powers as a Commissioner of the Supreme Court of New South Wales.

3. And be it enacted That any Commissioner appointed by the Resident Judge before the passing of this Act for the purposes hereinbefore mentioned shall from and after the passing of this Act be deemed and taken to have all such powers and authorities in regard to such purposes as can or may be exercised by a Commissioner of the Supreme Court of New South Wales.

Declaration to be made by such Commissioner.

4. And be it enacted That before the person so appointed to act in the stead of the said Deputy Registrar shall enter upon the execution of the said duties he shall take before the Resident Judge of the Supreme Court of New South Wales for the District of Port Phillip the following declaration that is to say—

“ I A. B. do solemnly declare that I will truly and faithfully
 “ execute and perform the office and duties that are
 “ required and directed by an Act of the Governor and
 “ Legislative Council of New South Wales passed in the
 “ fourteenth year of Her Majesty’s Reign intituled ‘*An*
 “ ‘*Act to amend an Act intituled ‘An Act to amend the Act*
 “ ‘*for the Registration of Deeds and to provide for the*
 “ ‘*establishment of a separate Registry for Sydney and*
 “ ‘*Port Phillip respectively*’ and I make this solemn decla-
 “ ration by virtue of the provisions of the said Act.”

A. B.

Declared before me _____ }
this _____ *day of* _____ }
One thousand eight hundred and _____ }