

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LIII.

An Act to facilitate the Proof of Title to, and the Conveyance of, Real Estates. [29th *July* 1862.]

WHEREAS it is expedient to give Certainty to the Title to Real Estates, and to facilitate the Proof thereof, and also to render the dealing with Land more simple and economical: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act shall apply to *England* only. Extent of Act.

PART I.

AS TO THE REGISTRATION OF REAL ESTATES, AND THE TITLE THERETO.

2. There shall be established a Registry of the Title to Landed Estates. Registry to be established.

3. The Registry shall be confined to Estates of Freehold Tenure, and Leasehold Estates in Freehold Lands. Limits of Registry.

4. Application may be made for Registration of Title, by any of the following Persons; *viz.*, By whom Application for Registration to be made.

1. The Owner of the Fee Simple:

2. Persons

2. Persons who collectively are Owners of the Fee Simple, or have the Power of acquiring the same:
3. Persons who have the Power of appointing the Fee Simple:
4. Trustees for Sale of the Fee Simple:
5. The Owner of the First Estate of Freehold and first vested Estate of Inheritance:
6. Any Purchaser of a Fee Simple, where his Contract empowers him so to do, or the Vendor consents:
7. Any Person authorized by the Court of Chancery to make such Application.

Application may be made, although the Estate of the Person applying may be subject to Charges and Incumbrances.

Proceedings to obtain Registration of a Title as indefeasible.

Examination of Title with Guarantee.

5. On Application for the Registration of a Title as indefeasible, the Title shall be examined by the Registrar and Examiners of Title herein-after mentioned in such Manner as General Orders shall direct: No Title shall be accepted for Registration as indefeasible unless it shall appear to be such as a Court of Equity would hold to be a valid marketable Title.

Reference of Questions of Title.

6. Any Question, Doubt, or Dispute as to any Matter of Title that may arise in the Course of such Investigation may be referred to such Judge of the Court of Chancery as the Lord Chancellor shall appoint to hear Applications under this Act.

Particulars to be furnished to Registrar.

7. If the Title shall (either absolutely or subject as aforesaid) appear to be good and marketable, the Applicants shall furnish to the Registrar, and he shall examine and settle for the Purposes of Registration:

First, an exact Description of the Lands to be registered:

Secondly, a Statement of the Persons, or Classes or Descriptions of Persons, that are or may become entitled to such Lands, and of the Estates, Powers, and Interests that exist, or may arise or become vested in such Persons respectively:

Thirdly, a Statement of the Mortgages, Charges, and Incumbrances affecting such Lands or any Part thereof, and of the Persons entitled thereto, both at Law and in Equity:

Copies of such Description and Statements when settled by the Registrar shall be delivered back to the Applicants: Any Objection to the same or to any Part thereof, if not allowed by the Registrar, shall, at the Request of the Applicants, be referred to and decided by the Judge of the Court of Chancery.

8. If

May be verified on Oath.

8. If required by the Registrar, the Description of the Land furnished by the Applicant shall be verified by his own Oath or the Oaths of Persons having full Means of Information.

Claim to Mines and Minerals.

9. It shall be stated in the Description of the Land to be so furnished by the Applicant whether he does or does not claim to be entitled to all or any Part of the Mines and Minerals under such Land, and unless in such Description Mines or Minerals shall be expressly mentioned, they shall be deemed not to be included therein; and if in such Description Mines or Minerals shall be expressly mentioned, it shall be the Duty of the Registrar to have especial Regard thereto in all subsequent Inquiries to be made by him with respect to such Lands, and in the Investigation of the Title thereto, and also in the Service of such Notices as herein-after mentioned.

Identity of Lands to be established.

10. The Identity of the Lands with the Parcels or Descriptions contained in the Title Deeds shall be fully established, and the Registrar shall have Power by such Inquiries as he shall think fit to ascertain the Accuracy of the Description and the Quantities and Boundaries of the Lands; and, except in the Case of incorporeal Hereditaments, a Map or Plan shall be made and deposited as Part of the Description.

Notice of Intention to register.

11. When such Description has been settled, and the Registrar is satisfied with the Title shown to the Land, and with the Result of the Inquiries made, he shall require such Notices as General Orders shall direct to be given by public Advertisement of his Intention to register such Land with an indefeasible Title, at the Expiration of a Period not less than Three Months from the Date of such Advertisement.

Contents of Notice.

12. Such Notice shall contain a Copy of the Description of the Land as proposed to be registered and the Names and Descriptions of the Applicants for Registration: A Copy of such Notice shall be served on every adjoining Occupier, and the Person (if any) to whom such Occupier pays Rent, and on the Lord of the Manor in any Case in which the Lands are situate within or held of any Manor, and also on every Person not having already had Notice of the Application, who shall appear to have or claim any Estate or Interest in or Right over the Land, or any Part thereof, and on such other Persons as under the special Circumstances of each Case shall be deemed necessary.

The Notice shall also state the Place, Time, and Manner at and in which any Party may be heard to show Cause against such Registration.

13. At

Cause may be shown against Registration.

13. At the Time and Place named in the Notice, or at such Time and Place as General Orders shall direct, any Person may attend and show Cause before the Registrar, by Affidavit or otherwise, against the Registration, or claim that the same should be subject to any Conditions or Reservations; the Registrar may decide on such Objection or Claim, or may refer the same to the Judge of the Court of Chancery: If the Registrar decide, either Party may appeal from his Decision to the said Court, in manner herein-after directed.

Completion of Registration.

14. If at the Expiration of the Time named in such Notice there shall be no Objection to the Registration applied for or none allowed, and no Appeal pending, or, if any Appeal shall be then pending, as soon as any Objection to such Registration shall have been finally disallowed by the Court of Appeal, or the Appeal withdrawn, the Registrar shall complete such Registration in manner following; that is to say,

First, the Registrar shall enter in a Book to be called "The Register of Estates with an indefeasible Title" such Description of the Estate as shall be finally approved of, and shall annex thereto any Map or Plan which shall be deemed necessary, and shall distinguish the Estate so entered by a particular Number or Numbers, and the Entry shall refer to another Book to be entitled "The Record of Title to Lands on the Registry:"

Secondly, in the last-mentioned Book, under the same Number or Numbers, shall be entered in concise Terms an exact Record of the existing Estates, Powers, and Interests in the Land so registered as aforesaid, and the Names and Descriptions of the Persons or Classes of Persons that are or may become entitled thereto respectively:

Thirdly, in a Book to be entitled "The Register of Mortgages and Incumbrances" shall be entered under the same Number or Numbers an Account of all the Charges and Incumbrances affecting the Lands or any Part thereof, or the Estate or Interest therein of any Person named in the Record of Title.

Books may be inspected.

15. Subject to such Directions as may be given by General Orders, the aforesaid Books of Registry may be inspected by the Owners of the Estates and Interests, or of the Mortgages and Incumbrances recorded therein, or their respective Solicitors or Agents: No other Person shall be permitted to inspect such Books, except under an Order of the Court of Chancery.

As to the Record of Title.

As to Exception, &c. in Record of Title.

16. In the Record of Title so made as aforesaid it shall be competent for the Registrar to specify or define any Exception or Qualification

fication or Condition affecting the whole of the Interests so recorded, or any of them, and also to reserve expressly the Right of any Person or Class of Persons, and to describe any outstanding Right or Possibility of Claim or Interest subject to which such Registration is made; and if there shall be any disputed Question of Boundary between the Applicants and any Proprietor of adjoining Land which shall not have been previously determined by any competent Authority, it shall be competent for the Parties or either of them to object in Writing to the Determination of such Question by the Registrar, or by a Judge of the Court of Chancery, under this Act; and if any such Objection shall be made, the Registrar shall specify upon the Record of Title the Existence of such disputed Question of Boundary, and that the Registration is made subject thereto.

Any Question as to true Construction of any Deed, &c. to be referred by Registrar to a Judge of Court of Chancery.

17. If in making up, or afterwards continuing, such Record of Title as aforesaid, any Question shall arise as to the true Construction or legal Validity or Effect of any Deed, Instrument, or Will, or as to the Persons entitled, or the Extent or Nature of the Estate, Right, or Interest, Power or Authority of any Person or Class of Persons, or the Mode in which any Entry ought to be made in the Record of Title, or any doubtful or uncertain Right or Interest stated or dealt with by the Registrar, it shall be competent for the Registrar, or for any of the Parties interested, to refer the same to a Judge of the Court of Chancery: If on such Reference the Judge, having regard to the Parties appearing before him, shall think proper to decide the Question, he shall have Power to do so, or to direct any Proceeding at Law or in Equity to be instituted for that Purpose, or at his Discretion, and without deciding such Question, to direct such particular Form of Entry to be made on the Record of Title as under the Circumstances shall appear to be right.

Registrar may refer in Record of Title to Deed, &c. for Estates of Parties.

18. In any Case described in the preceding Section, the Registrar may, at the Request of the Parties or at his own Discretion, refer in the Record of Title to the Deed, Will, or other Instrument for the Estates and Interests of the Parties, instead of setting out or describing the same: Provided always, that in every Case in which such Deed, Will, or other Instrument shall be so referred to, a Copy thereof (which shall be verified and printed in the Manner hereinafter directed with respect to Deeds or Instruments conveying, mortgaging, or charging the Estate or Interest of any Proprietor on the Register,) shall be delivered to the Registrar by the Parties applying for Registration, and shall be preserved in the Registry; and for the Purposes of any subsequent Sale, Mortgage, or Contract for valuable Consideration by any Person appearing thereby to have any Estate or Interest in the Land to which the Record of Title so made up shall

relate, such Copy shall be conclusive Evidence of the Contents of the said Deed, without the Production of the Original thereof.

Persons entitled to Principal Money, &c. not to be entered in Record of Title unless Registrar thinks fit.

19. The Names of the Persons entitled to the Proceeds of any Trust for Sale of the Lands so registered, or to any Principal Money to be raised by virtue of any Charge under the Trusts of any Estate or Term, shall not be entered in the Register unless the Registrar shall think fit so to do, but the Estate of the Trustees shall be defined and the Purpose of the Trust shortly described.

When an indefeasible Title shall arise.

Persons described in Record of Title to be deemed as possessed of such Estates, &c.

20. Subject to any Exception, Qualification, or Condition mentioned in such Record of Title, and to any Right or Interest thereby reserved, and to any registered Charges or Incumbrances, and to such Charges and Interests (if any) as are herein declared not to be Incumbrances, the Persons originally and from Time to Time named and described in such Record of Title as aforesaid shall, for the Purposes of any Sale, Mortgage, or Contract for valuable Consideration by such Persons respectively, be and be deemed to be as from the Date of registering such Record by the Registrar, or from such Time as shall be fixed by him therein, absolutely and indefeasibly possessed of and entitled to such Estates, Rights, Powers, and Interests as shall be defined and expressed in such Record against all Persons, and free from all Rights, Interests, Claims, and Demands whatsoever, including any Estate, Claim, or Interest of Her Majesty, Her Heirs and Successors.

Informality not to prejudice Entry in Record of Title.

21. No Entry in such Record of Title as aforesaid shall be set aside or called in question as against any Person who may afterwards become interested therein under any Sale, Mortgage, or Contract for valuable Consideration, by reason of any Irregularity or Informality in the Proceedings previous to the making thereof.

Before Registration Applicant and Solicitor or Agent, &c. to make Oath that all Deeds, &c. have been made known to Registrar.

22. Before the final Registration of any Land with an indefeasible Title, the Applicant and his Solicitor or Agent, or certificated Conveyancer, and such other Person or Persons as the Registrar shall require, shall make Oath that all Deeds, Wills, and Writings relating to the Title of the Lands, or any Part thereof, and all Facts material to the Title thereto, and all Charges, Liens, Incumbrances, Contracts, and Dealings affecting the same or any Part thereof, or giving any Right as against the Applicant, have to the fullest Extent of their respective Knowledge, Information, and Belief been made known to the Registrar.

23. If

Power to Registrar to refuse Registration.

23. If at any Time before Registration the Registrar is of opinion that any further or other Evidence is necessary, he may refuse to complete the Registration until such further or other Evidence shall have been produced.

Power to Registrar to demand Security for Costs.

24. The Registrar shall, before taking any Proceeding on an Application for Registration with an indefeasible Title, require the Applicant to give such Security for Costs as General Orders shall direct; and it shall be lawful for the Registrar and for the Judge of the Court of Chancery respectively to order the Costs and Expenses properly incurred of any Person properly appearing upon any Proceeding taken under this Act for the Purpose of such Registration to be paid by the Applicant.

Proceedings for Registration without an indefeasible Title.

Registration without Guarantee of Title may be made under certain Conditions.

25. Application for Registration without an indefeasible Title may be made by any Person, subject to the following Conditions:

1. The Applicant shall prove to the Satisfaction of the Registrar that he, or some Person under whom he claims, has been in the actual Enjoyment or Receipt of the Rents and Profits of the Land as Owner of the Fee Simple thereof, continuously and without Interruption, for a Period of Ten Years immediately preceding the Time of such Application:
2. The last Deed or Will (if any) under which the Applicant derives Title shall be produced to the Registrar:

   If the Applicant claims as Heir-at-Law, Evidence shall be given that the Ancestor was in the Enjoyment of the Estate as Owner thereof at the Time of his Decease:
3. The Rules above enacted as to the Description of the Land to be registered shall apply, and the Registrar shall adopt the same Course, and take the same Proceedings, for the Purpose of ascertaining the Accuracy of the Description of the Lands and of the Boundaries thereof, as are herein-before directed with respect to Registration with an indefeasible Title:
4. A Statutory Declaration shall be made by the Applicant and his Solicitor or Agent, or certificated Conveyancer, and, if necessary, any other Person whose Evidence may be deemed necessary by the Registrar, that they respectively believe the Applicant to be, either alone or jointly with other Persons to be named and described, (and subject to any Qualification, Condition, or Exception which shall be stated,) well entitled to the Fee Simple of the Lands proposed to be registered:
5. If the Land be registered, the Registrar shall, in the Record of Title, define the Time, Event, or Circumstances from and after which

which an indefeasible Title shall attach: When the Time has arrived, the Event happened, or the defined Circumstances exist, a Judge of the Court of Chancery may, upon Proof thereof, and if there be no other Objection, after such and the like Notices as are herein-before required in case of an Application for Registration of a Title as indefeasible shall have been duly given, direct a Transfer of the Land to the Register of Estates with an indefeasible Title, and thereupon the Registrar shall make up a proper Record of the Title to such Land, and the Applicant and other Persons named in such Record of Title shall have the same Estates, Rights, and Privileges as if the Land had been registered with an indefeasible Title:

6. Subject to the Enactments herein contained, the Registration of any Person as Owner of Land without an indefeasible Title shall not prejudice any Estate, Right, or Interest created or existing at or before the Date of such Registration.

Registration of Leasehold Estates.

Leasehold Estates may be registered in like Manner as Freehold Lands.

26. Leasehold Estates, namely, Lands demised for Terms of Years of which Fifty Years are still to come and unexpired, or demised for Lives or for Years determinable with Lives, and in which Two Lives at least are still subsisting, may be registered with an indefeasible Title in a similar Manner and subject to the same or similar Directions and Rules of Proceeding as are herein contained with respect to Freehold Lands: Such Application may be made by Persons having such Estates and Interests in the Leasehold Estates as are similar or correspondent to the Estates and Interests of the Persons entitled to apply for the Registry of Freehold Land: No indefeasible Title shall, in the Case of a Leasehold, extend to the Title of the Lessor or Grantor of the same: Such further Directions shall be observed with regard to Leasehold Estates as shall be given from Time to Time by General Orders.

General Provisions as to Title.

Charges and Liabilities not to be deemed Incumbrances.

27. The following Charges and Liabilities shall not be deemed Incumbrances within the Meaning of this Act; namely,

1. Land Tax, Succession Duty, Tithe Rentcharges, Rents payable to the Crown:

2. Public Rights of Way, Liability to repair Highways by reason of Tenure, Rights of Way, Watercourses, and Rights of Water, and other Easements or Servitudes, Rights of Common, Manorial Rights and Franchises:

3. Leases

3. Leases or Agreements for Leases not exceeding Twenty-one Years, where there is an actual Occupation under the same:

Nevertheless, where any such Charges or Liabilities appear or are discovered in the Course of Proceeding prior to Registration, the Registrar shall, in such Manner as he shall think fit, notice in the Register the Existence of such Charges or Liabilities.

Land may be registered as One Estate.

28. Land entered on the Register may, at the Option of the Proprietor, be registered as One Estate or as separate Estates; but the Particulars of each Estate, and any Transactions relating thereto, shall, subject to any Regulations to the contrary that may be made by General Order, form a separate Record in the Register, distinguished by a separate Number, or in such other Manner as the Registrar may determine.

Registered Land made subject to certain Conditions, &c.

29. If Land registered or proposed to be registered, or any Part thereof, be subject, or be agreed to be made subject to any Condition, as, for Example, that it shall not be built upon, or used in a particular Manner, or any other legal Condition, Notice thereof shall be entered in the "Record of Title," and any Transfer, Demise, or Charge of such Land shall be subject to such Condition; but it shall be lawful for the Court of Chancery to discharge, alter, or modify any such Condition upon hearing all Parties who may be entitled to claim under or against the same.

Notice of Registration of Land to be given by Registrar to interested Person.

30. So soon as any Land is registered, if there shall appear to be any Charge or Incumbrance affecting such Land or any Part thereof which is entered in the Register of Incumbrances (the Owner of which has not had Notice of the Application), Notice of such Registration shall be immediately given by the Registrar to the Person entitled or interested in such Charge or Incumbrance.

Judicial Declaration of Title.

31. If any judicial Declaration of the Title to any Land shall be made by the Court of Chancery under any Act which may be passed in the present Session for the Purpose of enabling Persons having Interests in Land to obtain a judicial Declaration of their Title to the same, so as to enable them to make an indefeasible Title to Persons claiming under them, as Purchasers for valuable Consideration, the Land as to which any such Declaration may be made may, at the Option of the Person obtaining the same, be entered upon the Register of Estates with an indefeasible Title under this Act when and so soon as the Time allowed for appealing under any such Act as last aforesaid shall have expired, or (if any Appeal shall be prosecuted) when and so soon as any such Declaration shall be affirmed by the last Court of Appeal, or the Appeal withdrawn; and the Title to

such Land, as the same shall be declared by the Court, shall in such Case be entered upon the Record of Title to Lands on the Registry under this Act, and such Land shall thenceforth be subject to the Provisions of this Act in the same Manner in all respects as if the Registration thereof had been made by virtue of Proceedings duly taken for the Registration of an indefeasible Title thereto under this Act.

Every Estate, &c. to be entered in Record of Title after Registration of Land.

32. From and after the Registration of any Land, every Estate or Interest, Use, Trust, Mortgage, Charge, Lien, Right, or Title granted, declared, arising, becoming vested or in any Manner created, or coming into existence in, to, upon, out of, or affecting such Land or any Part thereof (except as herein excepted), shall be entered, described, or noticed in the Record of Title or Register of Incumbrances to be so kept as aforesaid.

Estates of registered Proprietors subject to existing Law.

33. Subject to the Enactments herein contained, the Estates and Interests of all registered Proprietors shall remain subject to the existing Law, and may be dealt with, assured, devised, and transmitted by Descent or Representation according to the ordinary Rules of Law and Equity.

Power to Registered Proprietor, with Consent of Persons interested, to close Register.

34. The registered Proprietor of Land may, with the Consent of all Persons appearing by the Register to be interested in such Land, remove the same from the Register, and thereupon the Register shall as respects such Land be deemed to be closed.

Caveat against Entry of Land on Register.

Caveats may be lodged with Registrar, to the Effect that Cautioner is entitled to Notice.

35. Any Person having or claiming such an Interest in Land as entitles him to object to any Disposition thereof being made without his Consent may lodge a Caveat with the Registrar, to the Effect that the Cautioner is entitled to Notice of any Application that may be made for Registration of such Land, and appointing a Place within *Great Britain* for the Service of such Notice.

Caveat to be supported by Affidavit.

36. The Caveat shall be supported by an Affidavit, stating the Nature of the Interest of the Cautioner, and such other Matters as may be required by the Registrar.

How Notice to be served.

37. Notice may be served on the Cautioner either personally or by sending it through the Post to the Address stated in the Caveat.

After Caveat, no Registration to be made

38. After a Caveat has been lodged, no Registration shall be made of any Lands to which such Caveat refers until Notice has been served on the Cautioner to appear and oppose such Registration,

tion, and Ten Days have expired since the Date of the Service of such Notice, or until the Cautioner has entered an Appearance, which may first happen. of Lands till Ten Days after Notice.

39. If any Person wrongfully and without reasonable Cause, lodges a Caveat with the Registrar, he shall be liable to make, to any Person who may have sustained Damage by the lodging of such Caveat, such Compensation as a Judge of the Court of Chancery shall deem just. Compensation if Caveat lodged without reasonable Cause.

40. A Caveat lodged in pursuance of this Act shall not prejudice the Claim or Title of any Person, and shall have no Effect whatever, except to entitle the Cautioner to receive such Notice as is herein-before mentioned of any Application made for Registration of Land. Caveat not Title of any Person.

PART II.

Simplification of Title by Judicial Sales.

Sales by Court of Chancery.

41. Sales may be made by the Court of Chancery of Land with an indefeasible Title, upon the Application, by Petition or otherwise, as General Orders may direct, of any of the Persons who are herein-before empowered to apply for Registration of Title. Sales of Land may be made by the Court, on Application by Owner.

42. Such Application shall be served on such Persons as the Court shall think fit, before a preliminary Order is made. Application to be served on Parties.

43. By its preliminary Order or Orders, the Court shall provide for the Examination of the Title to the Land, and the Ascertainment of a correct Description thereof, and shall also make such Inquiries as to the Parties interested, either as Incumbrancers, Owners, or otherwise, and direct such Notices to be given as are herein-before directed on the Occasion of Application to the Registrar for Registration of an indefeasible Title, and shall also direct such other Notices, if any, to be given as it thinks necessary to enable it to form a Judgment as to the Propriety of a Sale, and shall hear by themselves, their Counsel or Agents, any Persons interested in such Land who may apply to them to be heard, and shall, upon the Conclusion of such Inquiries, and after hearing such Parties, if any, as aforesaid, make such Order as to the Sale of such Lands as it thinks just. Court shall provide for Examination of Title, &c. before making Order for Sale.

44. Before making any Order the Court may require the Applicant to give Security for Costs. Applicant to give Security for Costs.

45. The

Purchase Money to be paid into the Bank as Court may direct.

45. The Purchase Money on any Sale made by the Court shall be paid as the Court may direct; and the Court may make an Order vesting the Land in the Purchaser, subject or not, as the Case may require, to the Incumbrances specified in such Order, and subject in all Cases to such Charges or Interests as may be subsisting thereon, and are herein-before declared not to be Incumbrances within the Meaning of this Act.

Such Payment to exonerate Purchaser from Liability.

46. The Payment of the Purchase Money in manner directed by the Court shall exonerate the Purchaser from all Liability whatsoever with respect to the same.

Vesting Order to be stamped.

47. Any Vesting Order by the Court shall bear the same Stamp as if it were a Conveyance made by an ordinary Vendor.

Applicant for Sale and his Solicitor may be examined concerning Title before Vesting Order made.

48. Before any Vesting Order is made as aforesaid, the Applicant for the Sale or his Solicitor may be personally examined by the Court, or required to give satisfactory Evidence as to the Fact that all Settlements, Deeds, Wills, and Instruments of Title, and all Charges and Incumbrances affecting the Title to the Land which is the Subject of the Application, and all Facts material to such Title, have been disclosed, and that there is not to their or either of their Knowledge, Information, or Belief any Deed, Charge, or Incumbrance affecting the Title to the said Land, nor any Fact material to the said Title, not fully and fairly disclosed as aforesaid: The Court may require any Person proposing to make an Affidavit in pursuance of this Section to state in his Affidavit what Means he has had of becoming acquainted with the several Matters referred to in this Section, and if the Court is of opinion that any further or other Evidence is necessary, it shall not make such Vesting Order until such further or other Evidence is produced.

Where Sales are made under 20 Vict. c. 120. the Court may make Order as under this Act.

49. Where any Sale of the Fee Simple of Land is about to be made under the Order of the Court of Chancery, in pursuance of an Act passed in the Twentieth Year of the Reign of Her present Majesty, Chapter One hundred and twenty, and intituled *An Act to facilitate Sales and Leases of Settled Estates*, or of any Act amending the same, or in pursuance of any other Order of the Court, the Court of Chancery may, on the Application of any Parties interested in such Sale, take such Steps as are herein-before directed, and, if satisfied of the Propriety of so doing, may make an Order directing the Land to be put up for Sale with an indefeasible Title, and also an Order vesting the Land in a Purchaser, and any such Vesting Order shall have the same Effect as if it had been made on an Application to the Court under this Part of this Act.

50. Every

Vesting Order to confer on Person in whom Land is vested an Estate in Fee Simple, with all Rights, Privileges, &c.

50. Every Vesting Order made by the Court of Chancery in pursuance of this Part of this Act shall confer on the Person in whom the Land is vested an Estate in Fee Simple, together with all Rights, Privileges, and Appurtenances therewith enjoyed, or reputed as belonging or appurtenant thereto, subject to the Incumbrances, Exceptions, or Qualifications, if any, appearing in the Order, and subject also to such Charges and Interests, if any, as are hereinbefore declared not to be Incumbrances, but free from all other Estates, Rights, Incumbrances, and Interests whatsoever, including all Estates, Interests, and Claims of Her Majesty, Her Heirs and Successors.

Court may make a qualified Vesting Order, where Title is shown for a limited Period only.

51. Where upon an Application being made for a Sale by the Court of Chancery it is proposed that a good Title should be shown to the Purchaser for a limited Period only, the Court may make a qualified Vesting Order, declaring by a Statement contained in such Order, or by Endorsement thereon, or by such other Manner as the Court thinks fit, that the Title is to be deemed to commence from the Date of some specified Instrument or at or on some specified Time or Event.

Effect of qualified Vesting Order.

52. A qualified Vesting Order shall not affect or prejudice any Estate, Title, or Interest in or to such Land created or arising prior to the Date at which the Title is stated to commence, but, save as aforesaid, shall have the same Effect as an absolute Vesting Order.

Court of Chancery may require Production of Deeds, &c.

53. The Court of Chancery may, in the Course of any Proceedings relating to Land wherein a Vesting Order is sought to be obtained, require all Persons having any Deeds or Evidences of Title relating to such Land, who are bound by Law so to do, to produce the same to the Court, upon such Terms and subject to such Conditions as the Court may think just.

Distribution of Monies paid into Bank.

54. The Court of Chancery shall determine the Rights and Priorities of the several Persons entitled to or interested in any Money payable under this Part of this Act, and shall distribute the same among such Persons in accordance with such Rights and Priorities.

As to Disposal of Money not immediately distributable.

55. Where any Money is payable in pursuance of this Act, and is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Court thinks it expedient for the Protection of the Rights of the Parties interested therein, it may order such Money to be placed to such Account as the Court directs, in trust to attend the Orders of the

Court, and it may by its Order declare the Trusts affecting such Money so far as it has ascertained the same, or state the Facts found by it in relation to the Rights and Interests therein, and generally the Court may make such Orders with respect to any such Money, and the Investment or Application thereof, or the Payment thereof out of Court, as the Circumstances of the Case require.

As to Disposal of Deeds after Vesting Order made.

56. When the Court of Chancery has made a Vesting Order of Land in pursuance of this Part of this Act, all such Deeds and Evidences of Title delivered to the Court as relate exclusively to the Land, and which the Purchaser is entitled to, shall be delivered to him; and all other Deeds and Evidences of Title delivered to the Court relating to the Land or to any Part thereof shall be returned to the Parties entitled to the Custody thereof, but previously to the same respectively being so delivered or returned they shall be stamped or otherwise marked in such Manner as to give Notice to any Person inspecting such Deeds or Evidences of Title of the Proceedings taken by the Court in relation to the Land or any Portion of the Land comprised in such Deeds.

Vesting Order to direct Entry on Register.

Contents of Vesting Order.

57. Every such Vesting Order may direct the Registrar to enter the Name of the Person entitled on the Register as the Proprietor of the Land with an indefeasible or qualified Title, as the Case may be, and in such Case the Order shall state the Name and Description of the Person entitled, and describe the Lands to be registered, with the Addition of the Incumbrances, if any, affecting such Lands, and such other Matters as the Court thinks fit to insert therein, including, in the Case of an Applicant entitled only to a qualified Vesting Order, a Statement of the Time or Event at or on which the Title, as registered, is to commence.

Registration with a qualified Title not to affect prior Claims.

58. The Registration of any Person as First Proprietor of Land with a qualified Title shall not affect or prejudice the Right of any Person claiming any Estate, Title, or Interest created or arising prior to the Time or Event at or on which the Title is stated on the Register to commence, but, save as aforesaid, shall have the same Effect as Registration with an indefeasible Title.

Entry of Discharge of Incumbrance.

59. Where upon the First Registration of the Land under a Vesting Order Notice of any Incumbrance affecting such Land has been entered on the Register, the Registrar shall, on Proof of the Discharge of such Incumbrance, enter a Memorandum of such Discharge on the Register, and upon such Entry being made the Incumbrance shall be deemed to be discharged.

60. Where

Compensation to Persons aggrieved.

60. Where any Order has been made by the Court of Chancery vesting Land in a Purchaser, or where any Person has been registered with an indefeasible Title under a Vesting Order, any Person aggrieved by such Order or Registration may apply to the Court of Chancery to be reimbursed for any Injury he may have sustained, out of any Purchase Money that may be remaining in Court.

As to Costs and Expenses.

61. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and may direct the same to be paid to or apportioned among such Persons as it sees fit.

As to Assignment of Duties.

62. The Lord Chancellor may from Time to Time assign the Duties by this Part of this Act vested in the Court of Chancery to any particular Judge or Judges of that Court, and may appoint such new or additional Clerk or Clerks as to him may seem necessary for enabling such Judge or Judges duly to execute the Duties imposed on it, and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor may think proper.

PART III.

As to the Transfer of registered Land.

Conveyance, &c. of registered Land.

63. All registered Land, and every Part thereof, may be conveyed, charged, settled, dealt with, or affected in or by any of the following Modes or Dispositions; that is to say,

First, by a Statutory Disposition in any of the Forms described in this Act:

Secondly, by Endorsement on the Land Certificate:

Thirdly, by Deposit of the Land Certificate:

Fourthly, by any Deed, Will, Judgment, Decree, or Instrument by which such Land, if not registered, might now according to Law be conveyed, charged, settled, devised, dealt with, or affected:

But no equitable Mortgage or Lien on registered Land shall be created by a Deposit of Title Deeds.

Attendance of Parties at Registry Office on Sale, &c. of registered Land.

64. On the Occasion of any Sale, Mortgage, or other Disposition of registered Land, or of any Estate thereon, the Parties or their Agents, duly authorized, may attend at the Registry Office to complete the Transaction: The Description of the Land and of the Estate therein proposed to be conveyed shall be taken from the "Register of Estates" and "Record of Title," and inserted under the

the Superintendence of the Registrar in One of the Statutory Forms of Conveyance described in the Schedule hereto; and such Conveyance shall be executed by the Parties or their Agents in the Presence of and attested by such Persons as the Registrar shall approve of, and shall then and there (together with the Powers of Attorney) be delivered to the Registrar for the Purposes of Registration, who shall make the proper Entries in the Register accordingly.

Forms of Conveyance in Schedule hereto of registered Land.

65. The registered Proprietor of any Land, Estate, or Interest may convey or charge the same by the Forms of Conveyance mentioned in the Schedule hereto, and the same shall be as complete and effectual as any other Form of Conveyance would have been either at Law or in Equity.

Forms of Conveyance in Schedule as effectual as other Forms.

66. The Persons taking under the Statutory Forms of Conveyance mentioned in the Schedule to this Act shall take as fully and effectually as if the Estates, Rights, Powers, and Authorities expressed to be created and given by such Forms respectively had been conveyed, created, or granted by any of the Modes of Assurance now known to the Law.

Forms may be modified or altered.

67. The Forms contained in the Schedule may be modified or altered in Expression to suit the Circumstances of every Case, and the Conveyances made in such altered Forms shall be equally valid and effectual.

As to Land Certificates.

Registrar to deliver Land Certificates.

68. The Registrar shall, upon Request, deliver to every Person who is named or described in the Record of Title as the Owner of any Estate or Interest in Lands upon the Registry a Certificate (herein called a Land Certificate) under the Seal of the Office, and signed by the Registrar, which Certificate shall contain, first, a Copy of the Description of the same Lands as appearing in the Registry of Estates, with all the Entries relating thereto, and secondly, a Copy of the Entries relating to the same Lands appearing in the Record of Title, and thirdly, a Copy of the Entries in the Registry of Incumbrances of the Mortgages, Charges, Claims, and Liens on or affecting the Estate and Interest of such Owner; and such Certificate shall certify whether such Lands are registered with or without an indefeasible Title, and shall be distinguished by the Number under which the Lands are registered in "The Register of Estates," and shall contain all such other Particulars as are material or useful for the Purpose of manifesting the exact Nature of such Owner's Estate and Interest.

69. At

Registrar, at Request of Holder, to compare Certificate with Registry.

69. At the Request of the Holder, the Registrar shall at any Time compare such Land Certificate with the Registry, and, if there has been no Alteration, shall certify at the Foot of such Certificate that it contains a true Statement of the Entries in the Registry, and shall sign the same, and add the Date of such Signature: Any Alteration or Omission which can be conveniently made in a Land Certificate, or any Addition thereto, so as to make the same correspond with any Alteration in the Registry, may be made and signed by the Registrar, if he shall think fit: A new Land Certificate may be granted on the Delivery up of the former Certificate: A Certificate shall be granted to any Person who shall appear by the Register of Incumbrances to be entitled to any Mortgage, Charge, or Incumbrance on registered Lands, which Certificate shall contain a Description of the Lands and the Particulars of the Incumbrance.

Registered Proprietors desirous of selling, &c. may obtain special Land Certificate.

70. Whenever any registered Proprietor shall be desirous of selling, mortgaging, or settling any registered Land or Estate therein he may obtain from the Registrar a special Land Certificate for that Purpose, which shall contain an exact Description of the Land proposed to be so dealt with taken from the Register of Estates, and shall also state the Nature of the Estate and Interest of such Proprietor therein, and the Particulars of the Incumbrances, if any, affecting the Land described: Such Certificate shall be conclusive Evidence of the Title of the registered Proprietor to the Land as appearing by the Record of Title: No Entry shall be made by the Registrar in the Registry of any Deed, Instrument, Act, or Transaction affecting the Land comprised in such special Certificate, and the Estate of the registered Proprietor described therein, except on the Delivery up of such Certificate, until Fourteen Days have expired from and after the Day of the Date thereof: A Note of such special Certificate shall be entered in the Record of Title and in the Register of Incumbrances, and also on the original Land Certificate.

Certificate to be Evidence.

71. Every Land Certificate shall be Evidence of the several Matters therein contained.

Conveyance of Lands by Endorsement.

72. The Lands, and the Estate therein of the Owner, described in such Land Certificate, may be effectually conveyed or charged by Endorsement thereon, according to any of the Forms of Assurance by Endorsement contained in the Schedule to this Act.

Deposit of Certificate.

73. The Deposit of the Land Certificate shall, for the Purpose of creating a Lien on the Estate and Interest of the Depositor, have the same Effect as a Deposit of the Title Deeds of the Estate would have had before the passing of this Act; and any Agreement or Memo-

Memorandum in Writing relating to such Deposit shall be chargeable with the same Stamp Duty as an Agreement accompanied with a Deposit of the Title Deeds would be chargeable with.

Estates, &c. in Land may be created by Will, &c.

74. Every Person having a sufficient Estate or Interest in registered Land, may by Will, Deed, or other Instrument create the same Estates and Interests in, and enter into the same Contracts and Engagements with respect to such Land as he might do if the Land were not registered: Provided always, that no unregistered Estate or Interest, Contract or Engagement, for the Registration whereof Provision is made by this Act, shall prevail against the Title of any subsequent Puschaser for valuable Consideration duly registered under this Act.

On Conveyance of Estate, &c. on Register, Deed or Copy to be sent to Registrar.

75. On the Execution of any Deed or Instrument conveying, mortgaging, or charging the Estate or Interest of any Proprietor on the Register, the Original, or a Copy of such Deed or Instrument, shall be sent to the Registrar by the Grantee or Person taking Benefit under the same: Such Copy shall be compared with the Original in such Manner as the Registrar shall direct, who shall require the Original to be produced or inspected for that Purpose in such Manner as he shall think fit; and such original Deed or Instrument shall in every such Case be stamped or endorsed so as to give Notice of the Registration thereof under this Act to every Person to whom the same may be afterwards produced.

When Deed received by Registrar, Estate created to be deemed duly registered.

76. So soon as the Original or the Copy of any Deed or Instrument in Writing whatsoever affecting registered Land, or creating or affecting any Estate or Interest therein, has been received by the Registrar, such Deed or Instrument, and the Estate and Right created thereby, shall be deemed to have been duly entered on the Registry: An Official Note of Reference to such Deed or Instrument shall forthwith on Receipt thereof be made by the Registrar in "The "Record of Title," or "Register of Incumbrances," as the Case may be: Provided always, that such Deed or Instrument, and the Estate and Right created thereby, shall not be deemed to have been entered upon the Registry so as to affect any Land comprised in any such special Certificate as herein-before mentioned, until after the Expiration of the Time herein-before limited for the Entry of any Deed, Instrument, Act, or Transaction affecting such Land.

Notice when to be sent to Registrar.

77. Notice of every Instrument transferring, or in anywise dealing with or affecting the Ownership of or the Right to receive Money due on any Mortgage, Charge, or Incumbrance entered on the Registry, shall be given to the Registrar, who shall note the same in the "Registry of Incumbrances."

78. Where

Where Estate transmitted to any Person by Descent such Person to be registered.

78. Where the Estate or Interest of a registered Proprietor is transmitted on his Death to any other Person by Descent, Will, or Representation, such other Person shall be entered on the Register in the Place of the deceased Proprietor: If such Person cannot be ascertained, or there shall be any Doubt, Dispute, or Litigation touching the Ownership of the Estate of such deceased Proprietor, it shall be lawful for the Court of Chancery to appoint a Person to be registered in the Room of such deceased Proprietor as the Representative of such Estate or Interest.

Notice to be given to Heir at Law of Application for Registration of a Will.

79. On the Application of any Devisee for Registration of a Will, or of his Estate or Interest under the same, the Registrar may require Notice to be given to the Heir at Law of the Testator.

In case of Bankruptcy Assignees to be registered.

80. On the Bankruptcy of any registered Proprietor, the Assignee or Assignees of his Estate shall be entitled to be registered in his Place.

Memorial of Will may be registered instead of Copy thereof.

81. In lieu of a Copy of a Will, a Memorial thereof, containing a Copy of all the Provisions in the Will relating to or affecting any registered Land, may be delivered to the Registrar for the Purpose of Registration: Provided that the Registrar shall ascertain the Sufficiency of the Memorial by an Examination of the Will or a Copy thereof.

Execution to be proved as Registrar may require.

82. The Execution of the original Deed, Will, or Instrument so proposed to be registered, and the Exactness of every Copy or Memorial delivered for Registration, shall be proved in such Manner as the Registrar shall from Time to Time require.

Memorials of Descents, &c. to be registered, &c.

83. Memorials of Descents, Deaths, Marriages, and of the Evidence thereof respectively, and such other Memorials and Evidence of Matters relating to registered Lands as the Registrar shall, on the same being delivered to him, deem important, shall be registered, but all such Documents shall be printed for that Purpose.

Registrar to note Effect of Instruments, &c.

84. On receiving any Instrument hereby directed to be registered the Registrar shall make an Official Note of the Effect of every such Instrument, Judgment, Order, or Decree in the Record of the Title of the Person whose Estate or Interest is affected thereby, and he shall also enter on the Record of Title a Reference to the Book and Page of the Book containing such registered Instrument or Memorial.

Official Note, what to contain.

85. An Official Note of an Instrument entered on the Register may consist of a Reference to such Instrument, or of an Extract therefrom,

therefrom, or of a short Statement of the Effect or Nature thereof, or of an Intimation that no Disposition is to take place without the Consent of some Person named in such Instrument, or of such Matters and in such Form as the Registrar shall deem right, or as shall be from Time to Time directed or allowed by any General Order.

Printed Copy of Deed, &c. to be delivered to Registrar.

86. For the Purpose of Registration a printed Copy of every Deed or Instrument not testamentary under or by virtue of which any Interest or Right is claimed in or to any registered Land may be delivered to the Registrar, but if the Original or a written Copy of any such Deed or Instrument be delivered to the Registrar, the same shall be printed by his Order, but at the Expense of the Person registering the same.

Registrar in certain Cases may erase Official Note.

87. The Registrar, upon the Application of the Person entitled under any registered Instrument, or upon its being proved that the Purpose of such Instrument is determined or satisfied, may remove the same from the Register and erase or cancel any Official Note thereof, and thereupon such Instrument and any Memorial thereof may be destroyed or otherwise dealt with as the Registrar may think fit.

No Dealing with registered Land effectual until Stamp and ad valorem Duties paid.

88. No Dealing with any registered Land, nor any Instrument or Transaction affecting the same, or any Estate or Interest therein, shall be completed, entered, or noticed on the Register until the Registrar shall be satisfied that the Stamp and *ad valorem* Duties which would be payable to Government in respect of the same Matters have been duly paid.

PART IV.

General Provisions to facilitate Registration.

Money Charge not ascertained, &c. may be referred to Judge at Chambers.

89. If on the Examination of any Title it shall appear that the Land or any Part of it is subject to any Money Charge or Incumbrance, the Ownership of which is not ascertained, or the Right to which is doubtful or uncertain, or to any doubtful or uncertain Right or Claim which may be estimated or compensated by Money, and does not involve a Right to the Land itself otherwise than as a Security for Money, the Case may, at the Request of the Applicant for Registration, be referred to a Judge of the Court of Chancery sitting in Chambers for the Purpose of determining whether such Right or Claim and the Costs of any Party entitled by virtue thereof can be justly provided for by Payment of Money into Court, and if so to fix the Sum to be so paid in, and direct the Investment and Application of the Interest thereof; and after such Payment shall have

have been made the Land and the Title thereto shall be wholly discharged from such Right, Claim, Charge, or Incumbrance as fully as if the same had never existed.

Judge may order Money not distributable, &c. to be paid into Court of Chancery.

90. Where any Part of the Money arising from the Sale of a registered Estate is not immediately distributable, or the Persons entitled thereto cannot be fully ascertained, it shall be competent for One of the Judges of the Court of Chancery, on any Application for that Purpose made with the Concurrence of the Registrar, to direct any Sum of Money arising from such Sale to be paid into the Court of Chancery, or otherwise invested, and to declare the Account or Purpose to or for which such Money is to be transferred or holden, and afterwards to make all such Orders touching such Money, and the Investment, Application, and Distribution thereof, as the Circumstances of the Case may require.

Deeds to be stamped.

91. When an Estate is entered on the Register, whether with or without an indefeasible Title, all such Deeds and Evidences of Title as shall be produced to the Registrar, under any of the Provisions aforesaid, shall be stamped or endorsed in such a Manner, under the Direction of the Registrar, as to give Notice to any Person to whom such Deeds or Instruments may be afterwards produced that the Land, or some Portion of the Land comprised therein, has been registered under this Act.

Judge may decide Questions of Priority of Incumbrances, &c.

92. If in any Proceeding under this Act any Question shall arise respecting the Priority of any Charges or Incumbrances, Claims or Interests, it shall be competent to the Registrar to report the same to a Judge of the Court of Chancery, who shall have Power to summon all Parties interested to attend him either in Court or at Chambers, and to decide all Questions touching the Priority and relative Rights of the Parties, as fully as if they were Parties to a Suit instituted for the Purpose.

As to Restraint of Conveyance.

As to Restrictions on Conveyance, &c. of Land.

93. Where the registered Proprietor of any Land or Charge is desirous for his own Sake, or at the Request of some Person beneficially interested in such Land or Charge, to place Restrictions on transferring or charging such Land or Charge, such Proprietor may, upon Application to the Registrar, direct that no Transfer shall be made of or Charge created on such Land or Charge, unless the following Things, or such of them as he may prescribe, are done; (that is to say,)

Unless Notice of any Application for a Transfer or Creation of a Charge is transmitted by Post to such Address as he may specify to the Registrar:

Unless the Consent of some Person or Persons, to be named by such Proprietor, is given to the Transfer or Creation of a Charge:

Unless some such other Matter or Thing is done as may be required by the Applicant and approved by the Registrar.

Registrar to make a Note of such Restrictions.

94. The Registrar shall thereupon make a Note of such Directions on the Record of Title of such Proprietor, or otherwise as he shall think fit, and no Transfer shall be made or Charge created except in conformity with such Directions; and any such Directions may at any Time be withdrawn or modified at the Instance of all the Persons for the Time being appearing to the Registrar to be interested in such Directions, and shall also be subject to be set aside by the Order of a Judge of the Court of Chancery.

Court of Chancery may exercise Powers of 13 & 14 Vict. c. 60.

95. For the Purpose of authorizing or compelling a Transfer to be made of any registered Land or Charge, the Court of Chancery may exercise all such Powers as are vested in it by the Trustee Act, 1850, or by any Act amending the same, in relation to Transfers of Stock.

Caution.

Person interested may lodge Caution with Registrar.

96. Any Person interested under an Agreement, or otherwise howsoever, in any Land or Charge registered in the Name of any other Person, may lodge a Caveat with the Registrar to the Effect that no Disposition of such Land or Charge be made until Notice has been served upon the Cautioner.

Caution to be supported by Affidavit.

97. The Caveat shall be supported by an Affidavit made by the Cautioner or his Agent, in such Form as the Registrar shall direct, stating the Nature of the Interest of the Cautioner, and such other Matters as may be required by the Registrar.

Statutory Disposition of Land not to be registered until Notice served on Cautioner.

98. After any such Caveat has been lodged in respect of any Land or Charge, the Registrar shall not register any Disposition thereof until he has served Notice on the Cautioner, warning him that his Caveat will cease to have any Effect after the Expiration of Twenty-one Days next ensuing the Date of such Notice; and after the Expiration of such Time as aforesaid the Caveat shall cease, unless an Order to the contrary is made by the Court of Chancery, and upon the Caveat so ceasing the Land or Charge shall be dealt with in the same Manner as if no Caveat had been lodged.

Cautioner to give Security

99. If before the Expiration of the said Period of Twenty-one Days the Cautioner, or some other Person on his Behalf, appears before

before the Registrar, and enters into a Bond, with sufficient Security, conditioned to indemnify every Person against any Damage that may be sustained by reason of any Disposition of the Property being delayed, the Court of Chancery may thereupon, if it thinks fit so to do, make an Order on the Registrar requiring him to delay registering any Disposition of the Property for such further Period as is mentioned in the Order.

against Damage sustained by Delay of Disposition of Property.

100. If any Person lodges a Caveat with the Registrar, he shall be liable to make, to any Person who may have sustained Damage by the lodging of such Caveat, such Compensation as a Judge of the Court of Chancery shall deem just.

Compensation for lodging Caution without reasonable Cause.

Injunction.

101. The Court of Chancery may, without Prejudice to the Exercise of any other Power of the Court, upon the Application of any Person interested in any registered Land made in such Manner as the Court directs, issue an Order restraining for a Time, or until the Occurrence of an Event to be named in such Order, or generally until further Order, any Disposition of any Land or Charge.

Court of Chancery may issue Order restraining Disposition of Land, &c.

102. The Court may make or refuse any such Order, and annex thereto any Terms or Conditions it may think fit, and discharge such Order when granted, with or without Costs, and generally act in the Premises in such Manner as the Justice of the Case requires; and the Registrar, without being made a Party to the Proceedings, upon being served with such Order or an official Copy thereof, shall obey the same.

Court of Chancery may annex Terms, &c. to such Order.

103. Nothing contained in this Act shall take away or affect the existing Jurisdiction of Courts of Equity, on the Ground of actual Fraud.

Jurisdiction of Courts of Equity.

104. The Provisions of the several Acts of Parliament now in force relating to the Registries which have been established in the Counties of *Middlesex* and *York* shall cease to be applicable to any Land situate in the said Counties respectively, so soon as the same Land has been put upon the Register under the Provisions of this Act, and whilst it remains thereon.

Acts relating to Registries in Middlesex and York not to apply to Land on Register under this Act.

Penalty on Fraud, &c.

105. If in any Proceeding to obtain the Registration of any Land, or any Land Certificate or Certificate of Title, or otherwise in any Transaction relating to Land which is or is proposed to be put upon the

Person making false Statement guilty of Misdemeanor.

the Registry, any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing from any Judge, or the Registrar, or any Person employed by or assisting the Registrar, any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award: The Act or Thing done or obtained by means of such Fraud or Falsehood shall be null and void to all Intents and Purposes, except as against a Purchaser for valuable Consideration without Notice.

As to Persons aggrieved by Proceeding, &c. for any Act declared a Misdemeanor.

106. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

Answers to Bills, Questions, &c. not admissible in Evidence.

107. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding, in any Court of Law or Equity, or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

Office of Land Registry, Powers of Court of Chancery, and Miscellaneous.

Establishment of Office of Land Registry.

108. An Office, to be called the Office of Land Registry, shall be established, and the Business of such Office shall be conducted by a Registrar, with the Aid of such Number of Assistant Registrars not exceeding Three, Examiners of Title, Clerks, Messengers, and Servants as the Lord Chancellor may fix with the Consent of the Commissioners of Her Majesty's Treasury.

Appointment of Registrar.

109. The Registrar shall be a Serjeant-at-Law or Barrister of Ten Years standing at least: He shall be appointed by Her Majesty by Letters Patent, and shall hold his Office during good Behaviour: Upon any Vacancy occurring in the Office of Registrar, Her Majesty may, by Letters Patent, appoint a Person to fill such Vacancy.

Appointment of Assistant Re-

110. The Assistant Registrars and Examiners of Title shall be appointed by the Lord Chancellor, and may be removed by him for Negligence,

Negligence, Want of Skill, Untrustworthiness, or Inability to perform their Duties; the Clerks shall be also appointed by the Lord Chancellor, and shall hold their Offices during his Pleasure; and upon any Vacancy occurring in the Office of any Assistant Registrar, Examiner of Title, or Clerk, the Lord Chancellor may appoint another Person in his Place: The Messengers and Servants shall be appointed by the Registrar, and shall hold their Office during the Pleasure of the Registrar; and all such Assistant Registrars, Clerks, Messengers, and Servants shall, in the Execution of their Duties, conform to such Regulations as may be issued by the Registrar. gistrars and Examiners of Title.

111. There shall be paid out of Monies to be provided by Parliament, Salaries of Officers.

To the Registrar a Salary of Two thousand five hundred Pounds a Year:

To the Assistant Registrars, Clerks, Messengers, and Servants, such Salary as the Lord Chancellor, with the Consent of the Commissioners of the Treasury, shall determine:

All incidental Expenses of carrying this Act into effect.

112. Her Majesty may, by Letters Patent under the Great Seal of the United Kingdom, grant to any Registrar, after a Service of Twenty Years if he shall have then attained the Age of Sixty Years, or in the event of his being disabled by permanent Infirmity from the Performance of the Duties of his Office, a Pension by way of Annuity not exceeding Two Thirds of his Salary to continue during his Life. Retiring Pension of Registrar.

113. The Lord Chancellor may, with the Consent of the Commissioners of Her Majesty's Treasury, order to be paid to any Officer or Person employed in the Registry Office, other than the Registrar and Examiners of Title, who is disabled by permanent Infirmity from the Performance of the Duties of his Office, or who has attained the Age of Sixty Years, and has served in the Registry Office for Twenty Years, and is desirous of resigning, such Superannuation Allowance as is authorized with respect to Persons in the permanent Civil Service of the State by "The Superannuation Act, 1859." Superannuation of Officers other than Registrar.

General Provisions.

114. With respect to Lands vested in Her Majesty, Her Heirs or Successors, either in right of the Crown or of the Duchy of *Lancaster* or otherwise, or vested in any Public Officer or Body in trust for the Public Service, the Public Officer or Body having the Management thereof, if any, or, if none, then such Person as Her Crown, &c. Lands.

Majesty, Her Heirs or Successors, shall by Writing under Her Sign Manual appoint, may and shall (whether the Land be vested in him or them or not) represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to such Notices, and may make and enter any such Application or Caveat, and do all such other Acts, as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the Provisions of this Act; and with respect to Lands belonging to the Duchy of *Cornwall*, such Person as the Duke of *Cornwall* for the Time being, or as the Personage for the Time being entitled to the Revenues and Possessions of the Duchy of *Cornwall*, shall in Writing appoint, may and shall act as and represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to receive such Notices, and may make and enter any such Application or Caveat, and do all such other Acts as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the Provisions of this Act; and it shall be sufficient that any Oaths, Affidavits, or Declarations required by this Act be taken or made by any such Public Officer, Body, or Person as in this Section mentioned, or by any Person nominated in Writing by any such Public Officer, Body, or Person, and in either Case, without any Solicitor joining in any Affidavit or Declaration; and it shall not be necessary for any such Public Officer, Body, or Person as in this Section mentioned to enter into any such Bond as in this Act mentioned, nor to give any Security for Costs, nor shall they or ny of them be liable in Damages except for any Acts done wrongfully and without reasonable Cause.

Provision as to Applications made by married Women.

115. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily; and such Examination may be taken by the Court or by such Persons as are authorized to take Acknowledgments of Deeds by married Women under the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-four, "for the "Abolition of Fines and Recoveries, and for the Substitution of "more simple Modes of Assurance;" and the Form and Manner in which such Examination is to be certified to the Court shall be determined by the General Rules and Orders to be made under this Act: A married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Feme Sole.

Examinations may be taken under 3 & 4 W. 4. c. 74.

116. Where

Provision for other Persons under Disability.

116. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for the Court of Chancery to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Registrars, &c. may administer Oaths, &c.

117. The Registrars and Assistant Registrars are hereby empowered to administer Oaths and take Statutory Declarations in lieu of Oaths in all Proceedings under this Act.

As to Loss of Land Certificate.

118. If any Land Certificate is lost or destroyed, the Registrar may, upon being satisfied of the Fact of such Loss or Destruction, grant a new Land Certificate in the Place of the former one, and shall state upon the Face thereof that it is granted in substitution for the former Certificate; but no such new Certificate shall be of any avail against any Person who may have already derived Title under the former Certificate.

Granting of new Certificates.

119. The Registrar may, upon the Delivery up to him of a Land Certificate, grant a new Certificate in the Place of the one delivered up.

Lord Chancellor to make Rules and Orders for carrying into effect Purposes of Act.

120. The Lord Chancellor, with the Advice and Assistance of any Two of the Judges of the Court of Chancery, shall from Time to Time make such General Rules and Orders as he may see fit for carrying the Purposes of this Act into effect, and for regulating the Times, Form and Mode of Procedure, and generally the Practice of the Court in respect of the Matters of this Act, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority;

Authority; and all such Rules and Orders shall take effect as General Orders of the Court.

As to Assignment of Duties and Appointment of additional Clerks.

121. The Lord Chancellor may from Time to Time assign the Duties vested in the Court of Chancery in relation to the Matters of this Act to any particular Judge or Judges of that Court, and may appoint such new or additional Clerk or Clerks as to him may seem necessary for enabling such Judge or Judges duly to execute such Duties; and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor may think proper.

Forms to be printed and promulgated.

122. The Registrar shall, with the Sanction of the Lord Chancellor, frame, and cause to be printed and promulgated, as he sees Occasion, Forms of Applications, and Directions indicating the Particulars of the Information to be furnished when any Application is made to him under this Act, and also Forms of Instruments, and such other Forms and Directions as he may deem requisite or expedient for facilitating Proceedings under this Act.

Seal of Land Registry Office.

123. A Seal shall be prepared for the Land Registry Office; and any Instrument purporting to be sealed with such Seal shall be admissible in Evidence.

Addresses of Proprietors to be registered.

124. A Place of Address shall be given to the Registrar for every Person in *England* whose Name is entered on the Register of Title as Proprietor of Land, of a Charge, or as Cautioner, or as entitled to receive any Notice, or in any other Character.

Registrar may frame General Orders.

125. The Registrar shall, with the Sanction and under the Direction of the Lord Chancellor, from Time to Time frame General Orders for regulating the Manner of registering Land, the Examination of Titles, the Transfer, Transmission, and Withdrawal of Official Notes and Caveats, the keeping the Registers of Title and Assurances, and generally for the due Execution of the Provisions of this Act, and for giving Effect to the Objects thereof.

Such Orders to have effect as Act of Parliament.

126. Any General Orders so made by the Registrar with such Sanction as aforesaid shall be of the same Force as if enacted by Parliament: They may from Time to Time be rescinded, added to, amended, or altered in like Manner.

Fees.

Registrar to determine Amount of Fees.

127. The Registrar shall, with the Sanction of the Lord Chancellor, determine the Amount of Payments to be made with respect to the following Matters:

The First Entry on the Register of Title of Land and Charges on Land:

The

The Registration of Transfers and Transmissions of Land and Charges, and all other Matters to be done by the Registrar:

The Registration of Instruments and the Withdrawal of such Instruments:

And the Registrar may, with the like Sanction, from Time to Time alter any Amounts so determined, but all Payments mentioned in this Section shall be paid into the Receipt of Her Majesty's Exchequer, and carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Matters to be considered in determining Amount of Fees.

128. In determining the Amount of Fees payable in respect of Entries on the Register of Title under this Act, regard shall be had to the following Matters:

1. In the Case of the Registration of Land or of any Transfer of Land on the Occasion of a Sale,—to the Value of the Land as determined by the Amount of Purchase Money:
2. In the Case of the Registration of Land, or of any Transfer of Land not upon a Sale,—to the Value of the Land, to be ascertained in such Manner as may be directed by General Order:
3. In the Case of Registration of a Charge, or of any Transfer of a Charge,—to the Amount of such Charge:

Subject, nevertheless, to the Qualifications following:

A maximum Amount shall be fixed, and in Cases where the Value of any Land or the Amount of any Charge exceeds such Maximum, Fees may be made payable in respect of such Excess on such a reduced Scale as may be thought expedient:

Where increased Labour is thrown on the Registrar by reason of the Severance of the Parcels of an Estate, the Entry of a new Description of Parcels, or of any other Matter, an increased Sum may be charged.

Collection of Fees.

129. The following Rules shall be observed with respect to the Collection of Fees:

1. All Fees payable in respect of Registration shall be received by Stamps denoting the Amount of Fees payable, and not in Money:
2. When any Fee is payable in respect of a Document, a Stamp denoting the Amount of Fee shall be affixed to such Document:
3. The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps.

Stamp Acts applied to Stamps under this Act.

130. The several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland

Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Lord Chancellor may fix Scale of Costs.

131. The Lord Chancellor may from Time to Time fix a Scale of Fees to be paid to the Examiners of Title, and also of Costs to be paid to Solicitors or certificated Conveyancers, in respect of any Service rendered by them in any Matter relating to Proceedings under this Act; and he may from Time to Time alter any such Scale when fixed, and any Scale of Costs so fixed may, if the Lord Chancellor thinks fit, be based on an *ad valorem* Principle.

Costs of Registration may, in certain Cases, be raised by Mortgage.

132. Where Registration is made on the Application of Parties who cannot make a valid Charge on the Fee Simple, the Court of Chancery may declare that the Costs and Expenses of Registration may be raised by a Mortgage of the Fee Simple, and the same shall be charged accordingly.

Orders to be laid before Parliament.

133. All General Orders, Scales of Fees, and Costs made and fixed under this Act, shall be laid before Parliament forthwith, if Parliament is sitting, or if not, within Fourteen Days after the next Sitting of Parliament.

Proceedings in Court of Chancery.

Applications to Court of Chancery to be by Summons.

134. All Applications to be made to the Court of Chancery under this Act may be made by Summons in Chambers; and any Power by this Act given to the Court of Chancery may, subject to any Order by the Lord Chancellor as aforesaid, be exercised by any Judge of the Court sitting in Chambers; such Judge shall have the Power of directing any Matter before him to be argued in Court, and of directing any Bill to be filed or Action to be brought that may be necessary: Any Person aggrieved by an Order made by a Judge of the Court of Chancery may appeal to the Court of Appeal in Chancery, in such Manner, within such Time, and subject to such Regulations and Limitations, as the Lord Chancellor may prescribe; and any Order made by the Court of Appeal in Chancery on Appeal shall be subject to Reversal or Modification by the House of Lords, in like Manner as Decrees made by the Court of Chancery; provided that such Appeal is made within such Time and subject to such Regulations as the House of Lords may provide by any Standing Order.

135. Any

Transfer of Land.

Extension to Solicitors of Counties Palatine of Durham and Lancaster.

135. Any Proceeding, Matter, or Thing whatsoever directed or required by the Provisions of this Act to be done or performed by Solicitors of the High Court of Chancery, either in the Exercise of their Profession of Solicitors or as attesting Witnesses to any Deed or Instrument for the Transfer of Land, Mortgage, Document, or other Instrument under the Provisions of this Act, or in any other Manner whatsoever, shall and may be done, exercised, and performed by any Solicitor of the Courts of Chancery of the Counties Palatine of *Durham* and *Lancaster*.

Forms.

Forms.

136. The Forms in the Schedule hereto shall be used in all Matters to which they refer: The Registrar, with the Sanction of the Lord Chancellor, may from Time to Time make such Alterations in such Forms contained in the Schedule hereto as he deems requisite: He shall publish any Form, when altered, in the *London Gazette*, and upon such Publication being made it shall have the same Force as if it were included in the Schedule to this Act.

Inspection of Register.

Inspection of Register.

137. Subject to such Regulations as may be imposed, and to the Payment of such Sums as may be fixed by the Registrar with the Sanction of the Lord Chancellor, any Person registered as Proprietor of any Estate or Interest in any Land or Charge, and any Person authorized by any such Proprietor, or by an Order of the Court of Chancery, but no other Person, may inspect and make Copies of and Extracts from any Register or Document in the Custody of the Registrar relating to such Land or Charge.

Fraud.

Fraud a Misdemeanor.

138. If any Person fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent Procurement of any Order of the Court of Chancery in relation to registered Land, or fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent Procurement of the Entry on the Register of any Caveat or Notice of a Charge, or of the Erasure from the Register or Alteration on the Register of any Caveat or Notice of a Charge, such Person shall be deemed to be guilty of a Misdemeanor; and any Order procured by Fraud, and any Act consequent on such Order, and any Entry, Erasure, or Alteration so made by Fraud, shall be void as between all Parties or Privies to such Fraud.

Punishment.

139. Any Person convicted of a Misdemeanor under the last preceding Section shall be liable to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall think just.

140. In

Interpretation of Terms.

140. In the Construction of this Act (except where the Context or other Provisions require a different Construction), the Word "Person" shall include Her Majesty, Her Heirs and Successors, and the Duke of *Cornwall* for the Time being, and also a Body Politic or Corporate; the Word "Possession" shall include Receipt of the Rents and Profits; the Word "Land" shall include Messuages, Tenements, and Hereditaments, corporeal or incorporeal; and the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee or for any less Estate, and also any Money secured or charged on Land by a Trust, or by Judgment, Decree, or Order of any Superior Court of Law or Equity, and also any Legacy, Portion, Lien, or other Charge whereby a gross Sum of Money is secured to be paid, and also any annual or periodical Charge which by the Instrument creating the same, or by any other Instrument, is made repurchasable on Payment of a gross Sum of Money, and also any Arrear remaining unpaid of any annual or periodical Charge, for Payment of which Arrear a Sale of any Land charged therewith might be decreed by a Court of Equity.

SCHEDULE.

Form of Transfer of Land.

Dated this Day of .

I *A.B.* of, *&c.*, in consideration of [Five thousand Pounds] paid to me, grant to *C.D.*, *&c.*, and his Heirs, for ever, all [*insert Description*].

(*Signed and sealed by A.B.*)

Witness,
E.F. of, *&c.*,
A Solicitor of the High Court of Chancery,
or a certificated Conveyancer.

Form of Mortgage.

Dated this Day of .

I *A.B.*, in consideration of [Five thousand Pounds] lent to me by *C.D.*, grant to *C.D.* and his Heirs the Hereditaments as described in the Schedule, to secure to *C.D.* the Payment of the Principal Sum of [Five thousand Pounds] on the Day of and Interest at Five per Cent. in the meantime, half-yearly. *C.D.* shall have Power to sell on default of Payment of the Principal or Interest or any Part thereof respectively.

(*Signed and sealed, &c.*)

Witness (*as above*).

Form of Transfer by Indorsement.

I, the within named *A.B.*, in consideration of [Five thousand Pounds] paid to me by *C.D.*, transfer to *C.D.* the within mentioned Lands.

Dated, *&c.*

(*Signature and Seal.*)

Witness (*as above*).

Form of Transfer of Charge.

I, the within named *A.B.*, in consideration of [Five thousand Pounds] paid to me, do transfer to *C.D.* the within mentioned Mortgage.

Dated, *&c.*

(*Signature and Seal.*)

Witness, *&c.*

FORM OF POWER OF ATTORNEY TO MAKE TRANSFERS.

I *A.B.* do appoint *C.D.* my Attorney to transfer to *E.F.*, absolutely [*or* by way of Mortgage, *as the Case may be*,] all my Lands as entered and described in the Register of Estates under No. 129 and my Estate therein.

(*Signed and sealed.*)

Witness,
A.B.,
Solicitor of the Court of Chancery,
or, a certificated Conveyancer.

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