

THE RECORD OF DEEDS, WILLS AND LETTERS
PATENT ACT

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THE RECORD OF DEEDS, WILLS AND LETTERS
PATENT ACT

Cap. 334.
Act
7 of 1975.

[1681.]

1. This Act may be cited as the Record of Deeds, Wills and Letters Patent Act. Short title.

Record of Deeds, Wills and Patents

2.—(1) A deed made in due form of law and within three months after the date thereof acknowledged by the party or parties that grant the same or proved by the oath of one sufficient witness or more in accordance with law, and, recorded at length in the Record Office within the said three months, shall be valid to pass the same without livery, seisin, attornment, or any other act or ceremony in the law whatsoever. Deeds recorded within three months after execution valid to pass freehold without livery, etc.

(2) No deed made after the year 1681 without such acknowledgment or proof and recording, shall be sufficient to pass away any freehold or inheritance, or to grant any lease for above the space of three years.

3.—(1) All patents granted after the year 1681 shall be enrolled within six months after the sealing such patents; which enrolments, as likewise all such as are already there enrolled, shall be good and valid in the law, notwithstanding any clause inserted in the said patents directing the contrary. Patents to be enrolled within a limited time.

(2) Every such patent sealed under the Broad Seal of this Island, and recorded in the Record Office, shall evidence the patentee's just right and title to all and every parcel of land, tenements, hereditaments or other things in the said patent granted, and be a good bar to the right and title of Her Majesty, her heirs and successors.

7/1975
S. 2.

(3) The provisions of this Act shall not apply in respect of letters patent for inventions granted under the Patent Act after the 1st day of April, 1975.

Records to be Evidence

Records to
be sufficient
evidence.

4. The records of any letters patent enrolled in the Record Office; and the records of any deeds duly executed and proved or acknowledged and enrolled in the Record Office or other proper place of enrolment as provided by any enactment; and the record or enrolment of any last wills and testaments duly executed according to law and proved, shall at all times hereafter be deemed, judged, and taken as sufficient evidence of the several persons' titles to any lands, tenements, hereditaments, or estates whatsoever, real or personal, claimed under the said patents, deeds, conveyances, or wills; and the same shall be read and allowed in every court within this Island as if the original patents, deeds, conveyances or wills were actually produced, proved, and read in all and every the said courts.

Exemplifica-
tions of wills
made in
Great
Britain or
Northern
Ireland, etc.,
after probate
to be
sufficient
evidence.

5. The exemplification of all wills made in Great Britain or Northern Ireland, or any other part of the Commonwealth, and sent over to this Island, attested as such (after probate thereof made according to law in the said part of the Commonwealth) under the seal of the respective proper authorities in England or Northern Ireland, or of such other part of the Commonwealth, and afterwards recorded or enrolled in this Island, shall be good and sufficient evidence, and read and allowed as such, of the title of the party or parties claiming or to claim any lands, tenements, hereditaments, or estate whatsoever under such will or testaments so exemplified respectively, in every court within this Island, anything in this or any other enactment to the contrary in anywise notwithstanding:

Provided that this section shall not apply to the wills of persons who shall die after the 31st day of July, 1952.

Deeds to be Recorded within certain Time

6. All and every deed or deeds which shall be made or executed within this Island for any lands, tenements, or hereditaments whatsoever shall be duly proved or acknowledged, and recorded, within ninety days after the date or dates of such deed or deeds, otherwise to stand void and of no effect against all other purchasers or mortgagees *bona fide* for valuable consideration of the said lands, tenements or hereditaments, who shall duly prove and record their deeds within the time prescribed by this Act from the dates of their respective deeds.

Deeds to be recorded within ninety days, otherwise to be void against purchasers for valuable consideration.

7. If any vendee or mortgagee of any lands, tenements or hereditaments shall hereafter omit to prove and record his deed within the time, and pursuant to the form, prescribed by this Act, but shall at any time afterwards do the same, no second sale or mortgage being made by the first vendor or mortgagor, his heirs, or assigns, the same shall nevertheless be good to the said vendee or mortgagee, his heirs or executors, and a perpetual bar against the first vendor or mortgagor and his heirs, anything in this Act, or any other enactment, to the contrary notwithstanding.

Saving clause.

8. All deeds and conveyances made and executed out of this Island for any lands, tenements or hereditaments within this Island, shall be duly proved, acknowledged, or recorded within twelve calendar months after the dates of such deeds or conveyances, and within ninety days after the arrival of the ship which brought the same, otherwise to stand void with respect to other purchasers or mortgagees *bona fide* for valuable consideration as aforesaid; but still to preserve and maintain a right and title against the vendor or mortgagor, and his or their heirs, in case the first vendee or mortgagee shall at any time duly prove and record his or their deeds or conveyances, no second or other deed or conveyance being in the meantime proved or acknowledged

Deeds made out of the Island to be enrolled within a limited period otherwise to be void as above.

and recorded or enrolled in favour of any other person or persons as aforesaid, any law, custom, or usage to the contrary notwithstanding.

Entry of Satisfaction by Mortgagees

Mortgagees having been paid, to enter satisfaction.

9. Any mortgagee of any lands, tenements, real or personal estates whatsoever, within this Island, having received full satisfaction and payment of all such sum and sums of money as are really due to him by such mortgagor, shall, at the request of the mortgagor, enter satisfaction upon the margin of such mortgage, recorded or to be recorded in the Record Office which shall for ever hereafter discharge, defeat, and release the same, and shall likewise perpetually bar all actions brought or to be brought thereupon in any court of record within this Island; and if such mortgagee shall not, within three months after request and tender made for his reasonable charges, repair to the Record Office or other proper office and there make such acknowledgment as aforesaid, he, she, or they so refusing shall, for every such offence, forfeit and pay unto the party or parties aggrieved the sum of one hundred dollars, to be recovered in any court of record within this Island.

Selling or Mortgaging Land Twice over without Notice

Penalty on persons selling, etc., the same land twice over.

10. If any vendor or mortgagor of lands, tenements, or hereditaments within this Island shall presume to execute a second or other deed of conveyance or sale of the same lands, tenements or hereditaments other than to the first vendee of such lands, tenements, or hereditaments, or a second or other deed of mortgage without having taken notice in the said deed of mortgage of the first or prior mortgage or mortgages with which the said lands, tenements, or hereditaments stand charged at the time of executing the said deed, all and every person and persons so offending shall be tried and punished, and subject to the like forfeitures and penalties, as by the

laws of that part of Great Britain called England is provided against all such persons as shall execute deeds of mortgage without taking notice of all prior mortgages made.

Record or Probate of Wills of Realty since 1841 Evidence

11. The record of any will made on or since the first day of January, 1841, proved before the twenty-seventh day of November, 1884, and on which letters testamentary have issued according to the practice of the courts of this Island for the time being, and the probate of any such will granted before such date or thereafter granted, and the record of any such will or probate recorded in the Record Office, shall be, until the same shall be set aside or revoked, conclusive evidence of the contents of the said will, and of its due execution, as well in so far as it disposes of or affects real estate as it disposes of or affects personal estate.

Records
of wills
executed
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