

## No. 10.—1880.

6th July.

AN ORDINANCE to amend the law as to the Registration of Assurances.

(L.S.) HENRY T. IRVING.

12th July, 1880.

**B**E it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council as follows:—

Short title.

1. This Ordinance may be cited for all purposes as “The Registration of Assurances Amendment Ordinance 1880.”

Consideration or rent reserved must be truly stated.

2. Where by any deed or deeds any lands are sold, mortgaged, leased, assigned or otherwise disposed of for valuable consideration, the full consideration money or rent directly or indirectly paid, reserved, secured or agreed to be paid for the same shall be truly expressed in words at length in or upon such deed or the principal of such deeds if there be more than one. And if such full consideration money or rent is not truly expressed as aforesaid both the payer or person agreeing to pay the same and the seller, lessor or person agreeing to accept the same shall forfeit the sum of fifty pounds, and shall also be charged with the payment of five times the excess of fee which would have been payable for such deed in respect of the full consideration money in case the same had been truly expressed; and such penalty and quintuple excess shall be deemed to constitute a debt due to Her Majesty, and may be sued for and recovered accordingly:

Provided, that if any party by this section made liable to the payment of such penalty and quintuple excess as aforesaid gives information to the Registrar-General whereby such penalty or quintuple excess or any part thereof, is recovered, the party giving the information shall not only be indemnified and discharged from his liability, but may also be rewarded by the Governor out of the penalty or quintuple excess so recovered to such extent as the Governor thinks proper. And where any other person gives information whereby any such penalty

or quintuple excess is recovered, he may be rewarded in the like manner.

3. Where the full consideration money or rent reserved is not truly expressed in the manner by this Ordinance directed, it shall be lawful, where any money has been paid in the name of such consideration or rent, for the payer, his executors or administrators, to recover back from the payee, his executors or administrators, so much of such consideration money or rent as is not expressed as aforesaid, or the whole thereof if no part of the same is so expressed.

Return of consideration or rent not stated.

4. Any solicitor or other person employed in or about the preparing of any deed in or upon which the full consideration money or rent reserved is required to be truly expressed as aforesaid, or employed for any of the parties to such deed in any manner about or relating to the transaction therein mentioned, who knowingly and wilfully inserts or expresses, or causes to be inserted or expressed, in or upon any such deed any other than the full and true consideration money or rent directly or indirectly paid, reserved, secured or agreed to be paid for the same, or who in anywise aids or assists in any of the acts aforesaid, shall for every such offence forfeit the sum of five hundred pounds, which may be sued for and recovered as a debt due to Her Majesty. And every solicitor so offending, and being thereof lawfully convicted, shall thenceforth be disabled to practise as a solicitor :

Penalty on aiding in unfrue statement of consideration or rent.

Provided that no party, solicitor, or other person shall be liable to any penalty, disability, or forfeiture by reason of the full consideration money or rent reserved not being truly expressed in or upon any deed, unless the fee or fees actually paid for the same are less than would have been payable in case the full consideration money or rent reserved had been truly expressed according to the directions of this Ordinance.

5. The memoranda under Section 10 of the Ordinance No. 12 of 1847, intituled "An Ordinance for the appointment of a Registrar General," and the indices thereto, at present in the custody of the Secretary to the Intendant, shall be transferred to the custody of the Registrar General, who shall, in addition to the indices

Indices to memoranda.

istra-

with  
uncil

es as  
nance

o sold,  
of for  
ney or  
red or  
ressed  
ncipal  
such  
ressed  
ay the  
accept  
l shall  
excess  
eed in  
e same  
quin-  
due to  
ed ac-

liable  
cess as  
feneral  
y part  
mation  
om his  
ior out  
o such  
are any  
penalty

now kept by him, keep indices in form similar to those hitherto kept by the Secretary to the Intendant.

Fees on certain searches.

6. In respect of searches in the Indices of Memoranda and in such similar indices as aforesaid there shall be paid to the Registrar General the following fees (that is to say):

- In respect of every particular search for any deed or memorandum a fee of . . . . . 1s. 0d.
- In respect of every general search, per day . . . . . 5s. 0d.
- In respect of every memorandum examined there shall be paid to the Registrar General a fee of . . . . . 1s. 0d.

Registration of Order appointing trustee in bankruptcy.

7. Every order of the Supreme Court appointing any person to be a trustee in any bankruptcy or directing the Registrar in bankruptcy or any other registrar to act as trustee in any bankruptcy shall be registered in the office of the Registrar General.

Every such order so long as it is unregistered shall be void as to any lands affected by such order as against any subsequent *bona fide* purchaser or mortgagee of the same lands or any part thereof without notice of such order.

Upon the registration of any such order there shall be paid to the Registrar General a fee of . . . . . £1 0 0

Repeal of enactments.

8. The enactments specified in the schedule to this Ordinance are hereby repealed to the extent therein mentioned.

Passed in Council this sixth day of July, in the year of our Lord one thousand eight hundred and eighty.

A. C. ROSS,  
Clerk of the Council.

THE SCHEDULE.

| No. of Ordinance. | Title.   | Extent of Repeal. |
|-------------------|--|-------------------|
| No. 12 of 1847    | For the appointment of a Registrar General . . . . .                                   | Section ten.      |
| No. 1 of 1851     | To regulate the fees to be taken by the Registrar General and the Surveyor General . . | Section three.    |