

Passed in Council this twenty-first day of April, in the year of Our Lord one thousand eight hundred and sixty-two.

R. LECHMERE GUPPY,  
*Clerk of Council.*

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No. 7.—1862.

*21st April.*

AN ORDINANCE to vest the Securities taken by an Escribano or Registrar in his Successors in Office.

ROB. W. KEATE.

**W**HEREAS a practice hath prevailed in the several Courts of this Island during many years of taking mortgages, covenants, judgments, recognizances, bonds, and other securities unto and in favour or in the name of the Escribano or the Registrar of the Court for the time being, by direction or under the authority of the said Courts respectively. And whereas doubts are entertained of the right or power of the successor for the time being of any such Escribano or Registrar to enforce or sue at law or in equity, upon or otherwise, have or enjoy the benefit or advantage of any such mortgage, covenant, judgment, recognizance, bond, or other security given unto or made or taken in the name of any former Escribano or Registrar of the same Court; and it is expedient to remove such doubts, and to declare all such mortgages, covenants, judgments, recognizances, bonds, and other securities to be vested in the Escribano or Registrar for the time being, and his successor or successors in office. Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, as follows:

Deeds made by former Registrars and Escribanos may be enforced by their present successors in office.

1. All mortgages, covenants, judgments, recognizances, bonds, and other securities whatsoever, which at any time heretofore have been granted unto or made with, or to, or recovered by or otherwise made, taken, entered up or acknowledged in the name of any former Escribano or Registrar, for the time being, of any of the Courts of Justice in this Colony, and which may be still subsisting and in force, or not satisfied, or

otherwise vacated or discharged, shall be, and the same are hereby declared to be vested in the present Escribano or Registrar, for the time being, of every or any such Court respectively, and it shall be lawful and competent for the present Escribano or Registrar of any and every such Court respectively to enforce, sue for, prosecute and recover upon every or any such mortgage, covenant, judgment, recognizance, bond, or other security, both at law and in equity, by all lawful means and remedies whatsoever, as fully and effectually as if such mortgage, covenant, judgment, recognizance, bond, or other security had been granted unto or made with, or to, or recovered by, or otherwise made, taken, entered up or acknowledged in the name of such present Escribano or Registrar, any rule of law to the contrary in any wise notwithstanding.

2. Whenever, upon any vacancy hereafter occurring in the office of Escribano or Registrar of any Court of Justice in this Colony, any person shall be duly appointed to such office, thereupon all mortgages, covenants, judgments, recognizances, bonds, and other securities whatsoever, which at any time theretofore may have been granted unto or made with, or to, or recovered by or otherwise made, taken, entered up, or acknowledged in the name of any former Escribano or Registrar of the same Court, and which shall be still subsisting and in force, not satisfied or otherwise vacated or discharged, and all rights, actions, and remedies whatsoever, both at law and in equity, for upon or in respect of or in relation to the same respectively, shall forthwith, by virtue of this Ordinance, be vested in the person so appointed, as fully and effectually to all intents and purposes as if such mortgages, covenants, judgments, recognizances, bonds, and other securities had been granted unto or made with, or to, or recovered by or otherwise made, taken, entered up, or acknowledged in the name of such person so appointed, any rule of law to the contrary in any wise notwithstanding.

Upon any vacancy occurring in the Office of Escribano or Registrar all Securities, &c. made in the name of the Registrar or Escribano to be vested in his successors in office.

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R. LECHMERE GUPPY,  
*Clerk of Council.*