

## No. 6.—1858.

1st April.

## AN ORDINANCE to amend the Law of Real Property.

ROB. W. KEATE.

**B**E it enacted by his Excellency the Governor by and with the advice and consent of the Council of Government, That every deed executed after the commencement of this Ordinance and purporting or intended to be a Deed or Instrument of release of a freehold estate shall be effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at law and in equity as if the releasing party or parties who shall have executed the same had also executed in due form a deed of bargain and sale or lease for a year for giving effect to such release.

Every deed, &c., of release of a freehold estate to take effect as a conveyance to uses, &c., and to require no deed of bargain and sale, &c., to be executed previously.

2. That the registration in the office of the Registrar General of any deed executed after the commencement of this Ordinance shall be as effectual and shall operate in all respects in the same manner as enrolment in all cases where by the Law of England a like Deed is required to be enrolled.

Registration to operate as enrolment.

3. That after the commencement of this Ordinance all corporeal tenements and hereditaments shall as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery.

The conveyance of all freehold tenements, &c., to be in grant as well as in livery.

4. That an exchange or a partition of any tenements or hereditaments made by deed executed after the commencement of this Ordinance shall not imply any condition in law, and that the word "give" or the word "grant" in a deed executed after the commencement of this Ordinance shall not imply any covenant in law in respect of any tenements or hereditaments except so far as the word "give" or the word "grant" may by force of any Ordinance imply a covenant.

No exchange, &c., of any tenements, &c., made by deed to imply any condition. Words "give" and "grant" not to imply any covenant.

5. That under a deed executed after the commencement of this Ordinance an immediate estate or interest

Taker of any estate, &c., in any tenement.

&c., and of benefit of any condition, &c., under any deed not necessary party to same deed.

Contingent, &c., interests and rights of entry, &c., in or upon any tenement of any tenure may be disposed of by deed. No such disposition to defeat or enlarge any estate tail, and every such disposition by married women to be in conformity with Ordinance No. 21 of 1855.

Married women may disclaim any estate, &c., in any tenements, &c., by disclaimer made conformably to Ordinance No. 21 of 1855.

Contingent remainder not to fail by determination of preceding particular estate.

The reversion expectant on a lease of tenements to be taken to be the estate which shall confer as against tenant under the

in any tenements or hereditaments and the benefit of a condition or covenant respecting any tenements or hereditaments may be taken although the taker thereof be not named a party to the same deed.

6. That after the commencement of this Ordinance a contingent, an executory and a future interest and a possibility coupled with an interest in any tenements or hereditaments of any tenure, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry whether immediate or future, and whether vested or contingent, into or upon any tenements or hereditaments in this Island of any tenure may be disposed of by deed, but that no such disposition shall by force of this Ordinance defeat or enlarge any estate tail, and that every such disposition by a married woman shall be made conformably to the provisions relative to dispositions by married women of an Ordinance No. 21 of 1855, entitled "An Ordinance with regard to deeds made by married women."

7. That after the commencement of this Ordinance an estate or interest in any tenements or hereditaments in this Island of any tenure may be disclaimed by a married woman by deed, and that every such disclaimer shall be made conformably to the said provisions of the said Ordinance No. 21 of 1855.

8. That a contingent remainder existing at any time after the commencement of this Ordinance shall be, and if created before the commencement of this Ordinance shall be deemed to have been, capable of taking effect notwithstanding the determination by forfeiture, surrender or merger of any preceding estate of freehold in the same manner in all respects as if such determination had not happened.

9. That when the reversion expectant on a lease made either before or after the passing of this Ordinance of any tenements or hereditaments of any tenure shall after the passing of this Ordinance be surrendered or merged, the estate which shall for the time being confer as against the tenant under the same lease the next vested right to the same tenements or hereditaments

shall to the extent and for the purpose of preserving such incidents to and obligations on the same reversion as but for the surrender or merger thereof would have subsisted be deemed the reversion expectant on the same lease.

same lease the next vested rights to the same tenements.

Passed in Council this first day of April, in the year of our Lord one thousand eight hundred and fifty-eight.

RICHARD D. CADIZ,

*Clerk of Council.*

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## No. 7.—1858.

*1st April.*

AN ORDINANCE for explaining an Ordinance entitled "An Ordinance to alter and amend the Laws which restrain the free disposition of property by persons leaving heirs in the direct descending or ascending line."

ROB. W. KEATE.

WHEREAS an Ordinance was passed in Council on the twenty-second day of November, in the year one thousand eight hundred and forty-three, entitled "An Ordinance to alter and amend the laws which restrain the free disposition of property by persons leaving heirs in the direct descending or ascending line," which Ordinance came into force upon the tenth day of June, in the year one thousand eight hundred and forty-four: And whereas an Order was made by Her Majesty in her Privy Council, on the third day of September, in the year one thousand eight hundred and forty-four, for assimilating the law with respect to wills to the Law of England; which Order in Council came into force on the thirteenth day of January, in the year one thousand eight hundred and forty-five; And whereas another Ordinance was passed

Recites Ordinance No. 6, 1843.

Order in Council 3rd September, 1844.

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