

*Alphabetical Index 1879 p 14 at  
bottom of right hand column says  
this Act "repealed by 27. 1862" re-  
vised by 27. 1862*



1853.

*Partly Repealed by 27. 1862  
and this Act wholly re-  
vised*

No. 22.

*An Act to provide for the deposit of Deeds, Agreements, Writings,  
and Assurances, Maps, and Plans, relating to Hereditaments in  
the Province of South Australia, and for other purposes therein  
mentioned.*

*Amended by  
No. 23 - 1855-6*

[Assented to, December 9, 1853.]

**B**E it Enacted, by His Excellency the Lieutenant-Governor of the Preamble.  
said Province of South Australia, with the advice and consent  
of the Legislative Council thereof as follows:

1. From and after the passing of this Act, it shall be lawful for any person or persons whomsoever to deposit in the Public Office for the Registration of Deeds and other Instruments in the said Province, and the Registrar-General, or his Deputy, shall receive, for safe and perpetual custody and reference, any original or duplicate original deed, agreement, writing, assurance, map, or plan, whatsoever, relating to or in anywise affecting hereditaments in the said Province of South Australia, or whereby, or by means whereof, any hereditaments therein may be in anywise affected, or the title thereto manifested, either at law or in equity: And the said Registrar, or his Deputy, shall, immediately after such deposit and receipt, give, to the person or persons making such deposit, a memorandum of deposit, in writing, signed by him, according to the form specified in the Schedule to this Act, marked A; first numbering the deed, agreement, writing, assurance, map, or plan, deposited, with a distinguishing number, and the year in which the same is deposited; as for example, No. 1, of 1853, and so afterwards, as the case may require, in consecutive order: And the Registrar, or his Deputy, shall carefully and securely keep every deposited deed, agreement, writing, assurance, map, or plan, in the said Registry Office, placed in numerical progressive order according to the year when the same was received; and shall, at and in the said Registry Office, produce

Registrar to receive original deeds, &c., by way of deposit.

produce to any person or persons requiring the same, and allow him, her, or them, to inspect any such deposited deed, agreement, writing, assurance, map, or plan, paying therefor the sums mentioned in the Schedule of fees to this Act, marked B; and shall also, as and when required, give to any person or persons requiring the same, a copy or copies, extract or extracts, attested or unattested, of any such deposited deed, agreement, writing, assurance, map, or plan, charging and receiving therefor the fee or fees also mentioned in the said Schedule marked B: Provided also, that nothing in this Act shall interfere with, or prevent, the production, by the Registrar or his Deputy, or the special agent of either of them for such purpose, of any deposited deed, agreement, writing, assurance, map, or plan, in or before any Court of law or equity, or other judicature in the said Province, being thereunto lawfully required.

No covenant for production, or attested copies of deposited deeds, &c., to be required.

2. It shall not be necessary or incumbent for any person or persons, deriving or manifesting title under or by virtue of any deposited deed, agreement, writing, assurance, map, or plan, to furnish any attested or other copy thereof to any purchaser, mortgagee, or other person whomsoever, nor to enter into any covenant to produce such deposited deed, agreement, writing, assurance, map, or plan, for any purpose whatsoever.

Persons requiring production of deposited deeds, &c., to inspect them at the Registry Office.

3. Every person desirous of manifesting his or her title to any hereditament within the said Province, any assurance or assurances relating to which has or have been deposited, may, but at his or their expense, require the person or persons, or his or their solicitor or counsel to whom or for whose satisfaction such title is to be manifested, to attend at the said Registry Office or place of deposit, and there inspect any deposited deed, agreement, writing, assurance, map, or plan, in verification of every such title, or the abstract thereof.

Duplicates and copies of deposited deeds, &c., to be certified as correct by Registrar.

4. It shall be lawful for any person to bring or send to the said Registry Office any duplicate original deed, agreement, assurance, map, or plan; or at any time, and from time to time, a copy or copies of any deed, agreement, assurance, map, or plan, which has been deposited in the said Registry Office; in order that the same duplicate, original, or copy or copies may be compared with the deposited original; and thereupon the document so brought or sent shall be compared accordingly by the Registrar, or his Deputy; and in case of variance, the said document shall be corrected, so that the same may be a true copy of the deposited original thereof in all respects; and the said Registrar, or his Deputy, shall, in every such case, write on such document, and sign a certificate stating that such document is a true and correct copy of the original thereof deposited, and when such duplicate, original, or copy, shall be written on more than one skin of parchment or sheet of paper, the Registrar, or his Deputy, shall sign each skin or sheet with his name, prescribing the word "correct;" and every document so certified

certified and signed as aforesaid shall, in all cases, be evidence that another part or original assurance has been deposited in the said Registry Office, and contains the number and year of deposit as in such duplicate, original, or copy is specified.

5. The Registrar-General, with the approbation of the Governor, may from time to time, make rules and regulations as to the days and hours when the Registry-office shall be open to the public for the purposes of this Act, as to the keeping of proper indexes of deeds and instruments deposited, as to the size and form to which such deeds shall be folded, as to the particulars to be endorsed thereon for the purpose of reference, and generally such other regulations as may be expedient or necessary for the purposes of this Act: Provided that such regulations be published in the *Government Gazette* of the Province, at least fourteen days before the same shall come into operation.

Registrar-General may make Rules and Regulations.

6. Where any power of attorney shall have been registered under the provisions of an Ordinance passed in the fifth year of Her present Majesty, intituled "An Act to provide for the registration of deeds, wills, judgments, conveyances, and other instruments," and shall also have been deposited under the authority of this Act, or of an Act passed in the fifteenth year of the Reign of Her present Majesty, intituled "An Act to amend an Act to provide for the registration of deeds, wills, conveyances, and other instruments, no act done in execution of the power thereby given shall be invalid by reason only of the revocation of such power by the death of the donor thereof or otherwise, unless notice of such revocation shall have been given to the satisfaction of the Registrar-General or his Deputy, and shall have been entered by him in the registry of such power of attorney, and which notice, such Registrar or Deputy is hereby required to receive and to enter in the margin of the index of the registry of the power of attorney to which the same refers.

Acts done under authority of Registered power of attorney valid, until notice of revocation.

*Notice of act.*

*Does this mean done after the registration of the power or after the deposit?*

7. Where any land grant under the public seal of the said Province, or under the seal of the Resident Commissioner shall have been, or shall be, enrolled, under or by color of the provisions of the said recited Ordinance, such enrolment shall be deemed and taken to be in all respects valid and sufficient for the purposes of the said Ordinance, although there shall not have been, or shall not be any proof by an attesting witness, or acknowledgment by a granting party, of the execution of such land grant.

Enrolment of land grant under Public Seal valid without further proof.

*no Ordinance Recited*

8. In every case in which the Registrar-General or his Deputy shall have made such entry as by the said Ordinance is provided, in the margin of the registry of any mortgage, that such mortgage is satisfied, such entry shall be sufficient evidence to all intents and purposes, that the estate of and in the land, tenements, and hereditaments in such mortgage comprised, is vested in the person entitled to the equity of redemption thereof, as from the day of the date of such entry, freed and discharged from the said mortgage, and from the

Entry of certificate of satisfaction of mortgage, evidence of re-vesting of estate.

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d. 11/8/1  
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the sum of money thereby secured, and every part thereof: Provided, that it shall nevertheless be lawful to impeach such entry, by showing that the certificate to which the same refers has been obtained by fraud.

Governor may  
appoint Deputy-  
Registrars.

9. It shall be lawful for the Governor to appoint one or more person or persons to be Deputy-Registrar or Deputy-Registrars, and whenever by any law for the time being in force in the said Province, any thing is appointed to be done by the Registrar-General, the same may be lawfully done by any such Deputy-Registrar, and such Deputy-Registrar shall be sworn before a Judge of the Supreme Court, as provided in the said recited Ordinance.

*S. G.*  
*278. 5. 11.*

Commencement of  
Act.

*25<sup>th</sup> March*  
*1854.*

10. This Act shall come into operation on the twenty-fifth day of March next.

SCHEDULE A.

MEMORANDUM.—A deed (or an agreement, or writing, as the case may be), dated (here insert date), between or under the hand and seal of, or purporting to be (as the nature of the case may require), or a map or plan of (here shortly specify the subject represented), is this day of (here insert date of deposit), received into the Registry Office for deposit, and the same is deposited accordingly, and marked “No. of ,” (here insert number and year).

(Signed) Registrar, or Deputy Registrar.

SCHEDULE B.

	£	s.	d.
For every deed, agreement, writing, assurance, map, or plan, deposited, and receipt for same - - - - -	0	7	6
For every production and inspection of same - - - - -	0	2	6
For every copy, or extract from same, for the first ten folios, per folio -	0	0	8
For every folio after the first ten - - - - -	0	0	6
For every attestation of same being a true copy of the original, or duplicate original, deposited, in addition to charge for copy - - - - -	0	2	6
For every examination of, and certificate that, duplicate, original, or copy, corresponds with deposited assurance, per folio - - - - -	0	0	4
For every copy of any deposited map or plan (such reasonable sum as may be agreed upon)			
For the attending to produce in any Court any deposited deed, agreement, assurance, map, or plan, and the restoration thereof to its proper place in the Registry Office - - - - -	1	1	0