



BY AUTHORITY.

ANNO VICESIMO TERTIO VICTORIÆ REGINÆ.

CAP. XXIV.

An Act to amend the Law relating to the Registry of Deeds and other Instruments.

Section.

1. When Probate of Wills deposited in Courts out of this Province, may be registered here.

Section.

2. Section 12, Chap. 112, Rev. Stat. to apply to actions by or on behalf of the Queen.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly :—

1. That when any Will affecting any lands, tenements or hereditaments in this Province, or any interest therein, shall be deposited in any Court out of this Province, the Probate of such Will, or of any Letter of Administration with the Will annexed, purporting to be under the hand of the Officer having the custody of such Will, and the Seal of the said Court, or an exemplification of such Probate or Letters of Administration, with the Will annexed, purporting to be certified under the hand of the Officer and the Seal of such Court having the custody of such Will, and the Seal affixed to such Probate or exemplification thereof, or to such Letters of Administration, with the Will annexed, being proved before any of the persons authorized by the Laws of the Province to take the acknowledgment or proof of Deeds affecting Lands in this Province, and authenticated in like manner, shall be deemed to be evidence of the said original Will being deposited in the Court granting such Probate or Letters of Administration with the Will annexed, or exemplification thereof; and such Probate or Letters of Administration, with the Will annexed, or the exemplification thereof, under the hand and Seal aforesaid, and proved as aforesaid, may be registered in the Registry of Deeds in any of the Counties of this Province, as other conveyances are registered; and the same, when so registered, shall have the same effect as if the original Will had been registered therein.

2. The provisions of Section 12, of Chapter 112, Title XXX, of the Revised Statutes, 'Of the Registry of Deeds and other Instruments,' shall apply to actions or proceedings by or on behalf of Her Majesty the Queen, and the affidavit of the loss of the Instrument may be made by the Attorney or other Officer acting on behalf of Her Majesty.

CAP. XXV.

An Act to amend the Law for the Registry of Deeds and other Instruments.

Construction of Sec. 6, Chap. 112, Rev. Stat.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the sixth Section of Chapter 112, Title XXX, of the Revised Statutes, 'Of the Registry of Deeds and other Instruments,' is hereby declared and enacted to mean, and shall be construed to extend to all cases where, if the Conveyance be acknowledged or proved in any

Foreign State or Kingdom, the same may be acknowledged or proved before any British Minister, Ambassador, Consul, or Vice-Consul resident there, or Governor of a State, or Mayor of a City, and certified and authenticated under the hand and seal of office of such public functionary, as in the said Section is required.

CAP. XXVI.

An Act to authorize the appointment of Commissioners in the United Kingdom and other parts of Her Majesty's Dominions, and in the United States of America, to take Affidavits and Acknowledgments of Deeds and other Instruments relating to matters in this Province.

Section.

1. Governor in Council may appoint Commissioners in the United Kingdom and elsewhere, to take acknowledgments

Section.

of Deeds for registry, and Affidavits to be used in Provincial Courts.
2. Fees of such Commissioners.

Passed 9th April 1860.

For facilitating the acknowledgment of Deeds, Conveyances and other Instruments affecting real or personal property in this Province, and also the administering of Oaths or taking Affidavits, for the purpose of holding persons to bail in this Province, or having relation to any judicial proceeding in any Court of Justice therein ;—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That it shall and may be lawful for His Excellency the Lieutenant Governor in Council, to appoint one or more Commissioners resident in the United Kingdom, or in the Islands of Jersey or Guernsey, Alderney, Sark, or Man, and the United States of America, to administer Oaths and take Affidavits to be read and used in the several Courts of Justice in this Province, and also to receive acknowledgments and proof of the execution of Deeds, Conveyances and other Instruments affecting real or personal property in this Province; and for the purposes of this Act, such Commissioners shall be severally invested with all the powers and authorities by the 112th Chapter of the Revised Statutes given to any Judge of the Court of Queen's Bench, or Common Pleas, or Baron of the Exchequer, or Master in Chancery in England or Ireland, or any Judge or Lord of Session in Scotland, or Mayor or other Chief Magistrate of a City, Borough, or Town Corporate, in any part of the United Kingdom, respecting acknowledgments and proofs of Conveyances or other Instruments, and also with all the powers and authorities by the seventh Section of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law*, given to a Judge of any Court of Justice in the United Kingdom, or in any Foreign State, or in any British Colony: Provided always, and be it enacted, that all Certificates of proof or acknowledgment of such Deeds, Conveyances, or other Instruments, and to all Affidavits made before any of the said Commissioners, shall be attached a Certificate under the hand and seal of a Notary Public, authenticating as well the signature of such Commissioner, as the signature or mark of the deponent or deponents in such Affidavits, or party or parties proving or acknowledging such Deeds, Conveyance, or other Instrument,

2. That there shall be allowed to, and taken by the Commissioners who may be appointed under this Act, the following Fees for the respective services performed, namely :—