



Land Registry Act 1862 (repealed)

1862 CHAPTER 53 25 and 26 Vict

PART I

AS TO THE REGISTRATION OF REAL ESTATES, AND THE TITLE THERETO

As to the Record of Title

16 As to exception, &c. in record of title.

In the record of title so made as aforesaid it shall be competent for the registrar to specify or define any exception or qualification or condition affecting the whole of the interests so recorded, or any of them, and also to reserve expressly the right of any person or class of persons, and to describe any outstanding right or possibility of claim or interest subject to which such registration is made; and if there shall be any disputed question of boundary between the applicants and any proprietor of adjoining land which shall not have been previously determined by any competent authority, it shall be competent for the parties or either of them to object in writing to the determination of such question by the registrar, or by a judge of the Court of Chancery, under this Act; and if any such objection shall be made, the registrar shall specify upon the record of title the existence of such disputed question of boundary, and that the registration is made subject thereto.

17 Any question as to true construction of any deed, &c. to be referred by registrar to a judge of Court of Chancery.

If in making up, or afterwards continuing, such record of title as aforesaid, any question shall arise as to the true construction or legal validity or effect of any deed, instrument, or will, or as to the persons entitled, or the extent or nature of the estate, right, or interest, power or authority of any person or class of persons, or the mode in which any entry ought to be made in the record of title, or any doubtful or uncertain right or interest stated or dealt with by the registrar, it shall be competent for the registrar, or for any of the parties interested, to refer the same to a judge of the Court of Chancery: if on such reference the judge, having regard to the parties appearing

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before him, shall think proper to decide the question, he shall have power to do so, or to direct any proceeding at law or in equity to be instituted for that purpose, or at his discretion, and without deciding such question, to direct such particular form of entry to be made on the record of title as under the circumstances shall appear to be right.

18 Registrar may refer in record of title to deed, &c. for estates of parties.

In any case described in the preceding section, the registrar may, at the request of the parties or at his own discretion, refer in the record of title to the deed, will, or other instrument for the estates and interests of the parties, instead of setting out or describing the same: Provided always, that in every case in which such deed, will, or other instrument shall be so referred to, a copy thereof (which shall be verified and printed in the manner herein-after directed with respect to deeds or instruments conveying, mortgaging, or charging the estate or interest of any proprietor on the register,) shall be delivered to the registrar by the parties applying for registration, and shall be preserved in the registry; and for the purposes of any subsequent sale, mortgage, or contract for valuable consideration by any person appearing thereby to have any estate or interest in the land to which the record of title so made up shall relate, such copy shall be conclusive evidence of the contents of the said deed, without the production of the original thereof.

19 Persons entitled to principal money, &c. not to be entered in record of title unless registrar thinks fit.

The names of the persons entitled to the proceeds of any trust for sale of the lands so registered, or to any principal money to be raised by virtue of any charge under the trusts of any estate or term, shall not be entered in the register unless the registrar shall think fit so to do; but the estate of the trustees shall be defined and the purpose of the trust shortly described.

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