



**BERMUDA
1943 : 50**

PROTECTION FROM ESCHEATS ACT 1943

ARRANGEMENT OF SECTIONS

- 1 Interpretation
- 2 Validation of unauthorized instruments

[14 November 1943]

WHEREAS from time to time in the past instruments have been executed by the then Governor of Bermuda purporting to be licences in mortmain in respect of the holding of land by certain corporations not authorized, or not authorized at the material time, by or under any Act to hold land in Bermuda, and other instruments have been executed by the then Governor containing declarations that it was not the intention of the Crown to take proceedings whereby lands mentioned or referred to in the declarations might be escheated :

AND WHEREAS it appears that the said instruments were executed without due authority and are without effect in law:

AND WHEREAS with respect to any land in relation to which such an instrument as aforesaid was executed it is expedient, having regard to the circumstances hereinbefore recited to confirm and validate, subject to certain reservations, any power, right, indemnity or waiver which such instrument purports to confer or grant:

[words of enactment omitted]

Interpretation

1 In this Act "unauthorized instrument" means an instrument in writing executed by the Governor—

- (a) which purports to be a licence in mortmain; or

PROTECTION FROM ESCHEATS ACT 1943

- (b) which contains a declaration that the Crown does not intend to take proceedings whereby certain lands mentioned or referred to in the declaration might be escheated to the Crown.

Validation of unauthorized instruments

(1) Subject to subsections (2) and (3), where before 14 November 1943 an unauthorized instrument was executed by the then Governor in respect of any land, any power, right, indemnity or waiver which that instrument purports to confer or grant shall be deemed to have been conferred or granted in accordance with law and is hereby confirmed and validated.

(2) Where an unauthorized instrument executed as aforesaid purports to confer on any corporation a power to acquire land after the date of the execution of the instrument, then nothing in subsection (1) shall be construed as empowering the acquisition by that corporation of any land after 13 November 1943.

(3) Nothing in subsection (1) shall be construed so as to cure any defect in the title to any land or to confirm, validate or secure the title to any land otherwise or to any greater extent than in accordance with subsection (1).