

CHAPTER 85

EXECUTION OF DEEDS

Ordinances AN ORDINANCE TO PROVIDE FOR THE EXECUTION OF DEEDS WHICH ARE REQUIRED TO BE
Nos. 17 of 1852, EXECUTED BEFORE AND ATTESTED BY A NOTARY PUBLIC BEFORE AN OFFICER OF
0 GOVERNMENT INSTEAD OF BEFORE A NOTARY.

[1st July. 1853.]

- Short title. **1.** This Ordinance may be cited as the Deeds and Documents (Execution before Public Officers) Ordinance. Copies or extracts how obtained.
- Deeds relating to land may be executed before a District Judge or Judge of a Primary Court, &c. **2.** Every writing, deed, or instrument which by section 2 of the Prevention of Frauds Ordinance is required to be executed in the manner therein mentioned in order to its validity, shall, if made after this Ordinance shall come into operation, be valid and effectual, so far as relates to the execution thereof, if the same be signed by the party making the same, or by some person lawfully authorized by him, and by two or more witnesses present at the same time, in the presence of some District Judge or Judge of a Primary Court for the district in which the party making such writing, deed, or instrument, or the person signing the same as such attorney, resides, or in the presence of some Justice of the Peace for such district specially authorized by the Minister in charge of the subject of Justice to act in that behalf, and of whose appointment notice shall be given in the Gazette, and if the execution of such writing, deed, or instrument shall be certified at the foot or end thereof under the hand or hand and seal of such Judge or of such Justice authorized as aforesaid, anything contained in the said Prevention of Frauds Ordinance to the contrary notwithstanding. Manner of execution of such deeds.
- They shall be executed in duplicate and registered. **3.** Provided that every such writing, deed, or instrument shall be executed in duplicate, which duplicate shall be delivered or transmitted by such Judge or Justice to the Registrar of Lands in accordance with section 4 of the Registration of Documents Ordinance to be by him registered and preserved in the Land Registry in like manner as notarial deeds of a similar description; and all persons interested in any such deed shall be entitled, on furnishing the proper stamp, to demand a copy or extract of such deed, certified as correct by the said Registrar of Lands, for which copy or extract a fee of two rupees shall be paid to the said Registrar of Lands who shall pay the same into the Treasury. **4.** No such Judge or Justice as aforesaid shall be authorized to certify the execution of any such writing, deed, or instrument unless the same, and the duplicate thereof, shall be duly stamped as required by law, nor until the same shall have been read over and explained to the party making the same, and to the witnesses thereto, by or in the presence of such Judge or Justice as aforesaid, nor unless the same, and the duplicate thereof, shall be legibly written or engrossed, without erasures therein, nor unless the party making such writing, deed, or instrument shall be known to such Judge or Justice as aforesaid, or to at least two of the attesting witnesses thereto, who shall make a declaration to that effect before him. Form of certificate.
- 5.** Every such Judge or Justice as aforesaid shall insert in I his certificate of the execution of every such writing, deed, or instrument, the day, month, and year on which and the place where the same is executed, together with the names and residences of the attesting witnesses; and such certificate shall be in the following form of words, or in any other form of words to the same effect; that is to say,
- I, A. B., Disirict Judge of (or as the case may be), hereby certify that the above-written deed was signed by the within-named (insert the name of the party making the deed), the maker thereof, and by

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..... of..... and
..... of..... the
attesting witnesses thereto, in my presence and in
the presence of one another, at
on the day of..... ,
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this Ordinance shall be liable on conviction thereof to a fine not exceeding two hundred rupees.

Signature A.B..

Seal District Judge.

7. No such Judge, and no such Justice authorized by the Minister in charge of the subject of Justice as aforesaid, and no secretary, clerk, interpreter, or other officer of any court presided over by such Judge shall draw up, write, or engross any writing, deed or instrument to be executed under the provisions of this Ordinance, or any duplicate thereof; and any such officer who shall draw up, write, or engross any such writing, deed, or instrument, or the duplicate thereof, contrary to the true intent and meaning of this Ordinance, shall be liable on conviction to a fine not exceeding two hundred rupees.

Deeds not to be written by such Judges, &c., or by the officers of their courts.

Penalty.

No fees to be taken.

6. No fee or gratuity shall be received or taken by any such Judge or by any such Justice authorized by the Minister in charge of the subject of Justice as aforesaid, of or from any person whomsoever for certifying the execution of any such writing, deed, or instrument, or for any act done or to be done by any such Judge or Justice under this Ordinance; and any such officer who shall receive or take any fee or gratuity contrary to the true intent and meaning of

Penalty.