

ACT No. IX OF 1865.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th March 1865).

An Act to amend Act No. XVI of 1864 (to provide for the Registration of Assurances).

WHEREAS it is expedient to amend Act No. XVI of 1864 *(to provide for the Registration of Assurances)*; It is enacted as follows:—

1. The second sentence of the tenth Section of Act No. XVI of 1864 shall be read as if the words "or any other person whom the Registrar General may think proper to appoint" were inserted after the words "Civil jurisdiction of the District."

Addition to tenth Section of Act XVI of 1864.

2. The thirteenth Section of the said Act shall be read as if the following proviso formed part thereof: Provided also that the provisions of this Section shall not apply to any instrument relating to shares in a Joint Stock Company notwithstanding that the assets of such Company shall consist in whole or in part of immoveable property.

Addition to thirteenth Section of said Act.

Act XVI of 1864, Section 25, repealed.

3. The twenty-fifth Section of Act No. XVI of 1864 is hereby repealed.

4. Every instrument affecting immoveable property situate in more Districts than one may be presented for registration to the District Registrar of any District in which any part of the property is situate, and it shall be the duty of such Registrar to register the instrument and to forward a copy thereof endorsed with an attestation stating the date on which it was registered and its number in his Register Book to the District Registrar of every District in which any other part of such property is situate, as well as to the Deputy Registrars subordinate to himself within the limits of whose jurisdiction any part of the property is situate. The District Registrar on receiving the copy shall forward a copy of the same and of the endorsement on the instrument to the Deputy Registrars subordinate to him within the limits of whose jurisdiction any part of the property is situate. Every District Registrar and Deputy Registrar receiving such copy as above shall register the same in the same manner as if the instrument had been presented to him in the first instance for registration.

Registration of instruments affecting immoveable property situate in more than one District.

5. Every

5. Every power of attorney not duly executed or attested in compliance with the terms of the twenty-eighth Section of Act XVI of 1864 shall, at any time within three months after the passing of this Act (but not afterwards), be deemed to be a power duly executed and attested within the meaning of the same Section, if the Registrar General, or in his absence the Deputy Registrar General, after making such enquiry as he shall think fit, shall have certified upon such power of attorney that he is satisfied with the execution thereof, and that, in his opinion, it should be taken as a power duly executed and attested as aforesaid: Provided that this Section shall not apply to any case in which the person who executed the power of attorney shall be still in India.

Recognition of powers of attorney executed by persons absent from India without exact observance of provisions of Section 28 of Act XVI of 1864.

6. The fortieth Section of Act No. XVI of 1864 is hereby repealed.

Act XVI of 1864, Section 40, repealed.

7. An abstract of every original instrument affecting immoveable property registered in the office of any Deputy Registrar shall, with an endorsement showing the date on which it was registered and its number in the Register Book of such Deputy Registrar, be forwarded in duplicate within seven days from such date, to the District Registrar, who shall forthwith forward one of such duplicates to the General Register Office, and shall retain the other in his own office, and enter it in a Book corresponding with the Book No. 1, 2, 3, or 4 as described in the fifty-sixth Section of the said Act XVI of 1864.

Abstracts of instruments affecting immoveable property registered by Deputy Registrars to be forwarded through District Registrars to General Register Office.

8. During the absence on duty of the Registrar General from the place where the General Register Office is established, it shall be lawful for him to appoint the District Registrar of such place, or, with the sanction of the Local Government, such other person as he shall think fit, to perform the duties of the Registrar General under the twenty-sixth and twenty-seventh Sections of the said Act. A District Registrar so appointed as aforesaid shall perform such duties in addition to his own duties as District Registrar. During such absence as aforesaid, such District Registrar or other person so appointed as aforesaid shall be styled the Deputy Registrar General, and may, in registering any instrument under the said twenty-sixth Section, use the Seal of the Registrar General.

Appointment of Deputy Registrar General to perform duties of Registrar General under Sections 26 and 27 of Act XVI of 1864 during his absence on duty.

This Act to be construed with Act XVI of 1864.

9. This Act shall be read and taken as part of the said Act No. XVI of 1864.