

and in some newspaper circulating in Guyana for three successive Saturdays.

(2) All rules and regulations made in pursuance of this section shall be laid before the National Assembly at the first Session thereof after they have been made.

(3) Until those rules shall have been made, the rules contained in the Second Schedule shall be in force and shall apply to all proceedings under this Act.

Second
Schedule.

10. (1) The Registrar may require, and any person may tender, proof under oath of any material fact which the Registrar considers necessary to be established in connection with any matter or thing sought to be done in the registry, and the oath may be administered and the fact sworn before any notary public, sworn clerk, or assistant sworn clerk.

Proof required
under oath.

(2) Anyone who makes the statement under oath or affirmation knowing it to be untrue in any material particular shall be deemed to be guilty of perjury, and shall, upon conviction, undergo the punishment by law provided therefor.

11. (1) Anyone may, upon payment of the prescribed fees, ask for and obtain access to each and every register or record in the registry, and obtain copies thereof or of any part or portion thereof.

Allowance of
access to
records on
payment
of fees.

(2) No one shall be allowed access to any register or record except in the presence of the Registrar or some one belonging to the registry thereto duly authorised.

(3) The fees payable for any search or inspection or copies shall be paid in advance.

12. (1) No person in whom the title to any immovable property situate in Guyana vests may transfer or mortgage that property except by passing and executing a transport or mortgage thereof before the Court.

Transports and
mortgages to
be executed
before a judge.

(2) Movable property may be mortgaged in the same way as immovable property.

(3) All transports and mortgages passed after the commencement of this Act shall be registered by the Registrar and filed as of record in the registry.

13. (1) No lease of immovable property expressed to be for a term of twenty-one years or more, or for any term renewable at the will of the lessee indefinitely, or for periods which, together with

Leases.

the first term thereof, amount in all to twenty-one years or more, (herein referred to as a "long lease"), and no surrender, transfer, or assignment of a long lease having a term expressed to be of twenty-one years or more to run at the time of surrender, transfer, or assignment, shall, as against any *bona fide* transferee of the property for value, be good, valid, or effectual in law or pleadable in any court of justice in Guyana unless passed and executed before the Court in like manner as a transport and filed as of record in the registry.

(2) No lease of any immovable property, or any surrender, transfer, or assignment thereof, shall, as against any *bona fide* transferee of the property for valuable consideration be good, valid, or effectual in law or pleadable in any court of justice in Guyana unless filed as of record in the registry.

(3) Every long lease and every surrender, transfer, or assignment thereof, mentioned in subsection (1), passed and executed before the Court and filed as of record in the registry as aforesaid shall be annotated by the Registrar against the property leased.

(4) Every lease, or surrender, transfer, or assignment thereof filed as of record in the registry in accordance with subsection (2) shall be annotated by the Registrar against the property affected as the circumstances require, and the Registrar shall without delay give notice in writing to the person filing the lease, surrender, transfer, or assignment, of the entry made by him in respect thereof:

Provided that this section shall not apply to leases by the President of State lands, and that no lease of any interest in State lands shall be required to be executed before the Court or to be filed as in this section aforementioned.

14. Any transport, mortgage, lease, or other document, required to be passed and executed before the Court, shall be passed and executed at any place within Guyana the Court sees fit:

Provided that the original of any transport, mortgage, lease, or other document relating to land or property situate in any county other than Demerara shall be kept and preserved in the branch (if any) of the registry established in that county.

15. (1) No cancellation of mortgage shall be of any force or effect, or be in any way pleadable or allowed to be pleaded in any court of justice in Guyana, unless it is executed before the Court or a sworn clerk and notary public and filed as of record in the registry.

(2) Where a mortgagee is under any disability or is absent from Guyana or his whereabouts are unknown, and there is no person authorised to execute the deed of cancellation of a mortgage, the

Registrar may, if he is satisfied that the mortgage debt has been fully paid, cancel the said mortgage in the register, and such cancellation shall have the same force and effect as if a cancellation of the mortgage had been executed and registered as hereinbefore provided.

16. (1) Notwithstanding anything contained in this or any other Act but subject to this Act, every transport, mortgage, cancelment of mortgage, lease or other document which is required by law to be passed and executed before the Court may be passed and executed before the Registrar. Transports, etc., executed before the Registrar. [2 of 1931 32 of 1956]

(2) Every transport, mortgage, cancelment of mortgage, lease or other document passed and executed before the Registrar shall have the same validity, force and effect as if passed and executed before the Court.

(3) Whenever the Registrar is required to pass and execute a transport (other than a judicial transport), mortgage, cancelment of mortgage, lease or other document he shall do so before the Court.

(4) The jurisdiction conferred on the Registrar by this section shall be exercised only by the Registrar or by the Deputy Registrar.

(5) The Registrar may appoint such days and hours for exercising the jurisdiction so conferred on him as he deems fit and necessary.

(6) Wherever in this Act or in any other Act or in any rules or regulations reference is made to any transport, mortgage, cancelment of mortgage, lease or other document to be passed and executed or passed and executed before the Court or a Judge such reference shall be deemed to apply to any such document passed and executed before the Registrar.

(7) Wherever in the forms in the Second Schedule the words "Chief Justice," "Puisne Judge," or "Judge" occur, the word "Registrar" shall be substituted in cases where the passing and execution of the transport, mortgage, cancelment of mortgage, lease or other document has taken place before the Registrar.

17. (1) No transfer or assignment of any agreement, contract, instrument, or cause of action whatsoever, creating an interest in any immovable property in Guyana, or whereby that immovable property may be in any way affected in law or in equity already entered into and executed in Guyana by anyone whomsoever, to and in favour of anyone whomsoever, whether for valuable consideration or not, on and subsequent to the 16th February, 1845, or which is hereafter executed, and no donation *inter vivos*, act of division of an inheritance, or other instrument, whereby the interests of creditors Mode of executing and depositing or recording transfer of mortgage or other document.

or third parties may be affected, already or hereafter to be executed, shall be good, valid and effectual in law or be in any way pleadable or allowed to be pleaded in any court of justice in Guyana, unless the instrument is signed and executed in the presence of two witnesses, and until the instrument as well as the mortgage, agreement, contract, or instrument evidencing the cause of action, is duly proved and filed as of record in the registry.

(2) No transfer or assignment of any mortgage shall be in any way pleadable or allowed to be pleaded in any court of justice in Guyana unless it is filed as of record in the registry:

Provided that this section shall not affect any instrument aforesaid duly executed and deposited or recorded in accordance with the requirements of any law or laws in force in Guyana at the time of the execution thereof.

18. As soon as any transfer or assignment of any mortgage, agreement, contract, instrument, or cause of action aforesaid is filed as of record as hereinbefore provided, it shall be held to be *prima facie* valid and effectual as conveying to the transferee or assignee all right, title, and interest in and to the mortgage, agreement, contract, instrument, or cause of action theretofore possessed by the transferor or assignor and expressed to be thereby transferred or assigned, subject, nevertheless, to the right of any person interested disputing the validity of the transfer or assignment.

19. A special power of attorney providing for the passing of a transport, mortgage, or lease, or for the cancellation of a mortgage only and for no other purpose shall be in the form and be executed in the manner prescribed by the rules made under this Act.

20. (1) Except as provided by any Act, every instrument or document filed as of record or recorded in the registry, if it is executed in Guyana, shall, before it is so filed or recorded, be verified and proved by the affidavit or declaration of one at least of the subscribing witnesses, to have been duly signed and executed.

(2) Whenever it appears to the Registrar that all the subscribing witnesses are either dead or absent from Guyana, the person wishing to file or record the instrument or document may produce evidence by affidavit of the signature of any one or more of the subscribing or attesting witnesses, or of the party who has signed or executed the instrument, and the Registrar shall receive that affidavit in the place and stead of an affidavit by a subscribing or an attesting witness himself.

(3) The due execution of every instrument or document filed as of record or recorded in the registry, if executed beyond the limits of Guyana shall, before it is filed or recorded, be proved in accordance with the provisions of the Evidence Act dealing with the proof of public and private documents. c. 5:03

21. The Registrar may not cancel any title to immovable property or any transport except upon an order of the Court. Cancellation of grant or transport.

22. (1) From and after the 1st January, 1920, every transport of immovable property other than a judicial sale transport shall vest in the transferee the full and absolute title to the immovable property or to the rights and interest therein described in that transport, subject to— Absolute title by transport subject to certain claims and rights.

(a) statutory claims;

(b) registered incumbrances;

(c) registered interests registered before the date of the last advertisement of the transport in the *Gazette*;

(d) registered leases registered before the date of the last advertisement of the transport in the *Gazette*;

Provided that any transport, whether passed before or after the 1st January, 1920, obtained by fraud shall be liable in the hands of all parties or privies to the fraud to be declared void by the Court in any action brought within twelve months after the discovery of the fraud, or from the 1st October, 1925, whichever is the more recent.

(2) A transport, letters of decree, or a declaration of title issued under section 4 (1)* of the Civil Law of British Guiana Ordinance, passed or issued before the 1st January, 1920, and in force at that date shall, after the expiration of two years from that date if still in force, vest in the transferee or grantee thereof the full and absolute title to the immovable property or to the rights and interest therein described, subject to the provisions contained in paragraphs (a), (b), (c) and (d), of the preceding subsection. Cap. 7 1953 Ed.

23. Whenever, in consequence of an error or omission in any grant, transport, mortgage bond, or other deed, whether in the name or names of a person or persons therein mentioned or in the description of the property thereby granted, transported, or bound, it is found necessary to amend that grant, transport, bond, or deed, Amendment of errors in deeds.

* I.e., section 4 (1) as printed in the 1929 edition of the Laws; the section has been repealed by 62 of 1952.

the Court may, upon consent in writing of the persons interested, amend the error:

Provided that—

(a) where the error or omission is common to two or more interdependent documents one document shall not be amended without the other or others; and

(b) if any interested person refuses to consent to the amendment, no alteration shall be made before that person has had an opportunity of being heard.

24. (1) No erasure shall at any time for any reason whatsoever be permitted to be made in the registers or books of record, or in any document of title or other document affecting land.

(2) If any word or words is or are improperly or in error inserted in the recording of any original document or instrument in writing, then a line shall be drawn through the word or words improperly inserted so as to leave the original word or words legible, and any word or words erroneously omitted shall either be interlined or written in the margin, and always when practicable by the same hand as the rest of the record, and the Registrar or a sworn clerk shall, under the line or word or words written in the margin, or under a mark of reference to the interlineation or correction, legibly subscribe the initials of his name and surname.

25. (1) If it happens in the case of the partition of immovable property held in undivided shares that the total share of any owner in the property is hypothecated under a mortgage bond, then, upon production of the bond and of the consent in writing of the legal holder thereof, which consent shall state that it is given under this section, transport may be allowed to be passed to the owner of the divided share awarded to him on partition, notwithstanding that the bond remains uncanceled.

(2) In that case the Registrar, at the time of the passing of the transport, shall—

(a) endorse on the bond that the divided share is in terms of this section substituted for the undivided share previously held by that owner;

(b) with the consent of the person obtaining the divided share, endorse on the transport thereof that in terms of this section it is mortgaged by the bond;

(c) make any other endorsement the circumstances require.

Mode of dealing with error in record.

Partition of mortgaged property.

(3) From and after the completion of the endorsements aforesaid the divided share of the immovable property so transported shall be deemed to be hypothecated as fully and effectually as if the divided share and not an undivided share had been originally hypothecated by the bond.

26. (1) Whenever it appears from the accounts of any insolvent estate and from the vouchers annexed thereto that a payment has been made to any creditor on account of a registered obligation of debt, the Official Receiver shall forthwith notify in writing that payment to the Registrar, who shall thereupon write it off by endorsement upon the obligation of debt.

Payment by debtors to be written off.

(2) The Official Receiver shall furnish the Registrar with returns of all insolvents who from time to time obtain their discharge, and the returns shall specify the immovable property and registered obligations of debt appearing in the insolvent's schedules, or in the liquidation accounts of his estate, and the Registrar shall, on receipt of the returns, write off all those debts registered against the insolvent prior to his insolvency by endorsement upon the obligation of debt.

Insolvents.

27. (1) From and after the commencement of this Act no letters of decree shall be issued by any court of law in respect of any immovable property sold in execution of a judgment or an order of a competent court or judge, but that immovable property shall, without previous publication of notice of the transport, be transported before the Court after judicial sale to the purchaser at his expense by the officer of the Court carrying out the judgment or order.

Substitution of judicial sale transport for letters of decree and procedure to obtain.

(2) For the purpose of passing the transport, the officer of the Court shall produce and file in the registry a certified copy of the conditions of sale, of the statement of the documents or other facts constituting the title of the judgment debtor, of the affidavit in support thereof (if any), of the instructions to levy, and of the judgment or order (if any) whereby that immovable property was brought under execution:

Provided that in the case of a judicial sale transport passed by virtue of an execution sale under process for the recovery of rates, taxes, or assessments, imposed by or levied under the authority of any Act, it shall be sufficient if there is filed a memorandum signed by the Registrar giving the dates and other particulars of the required documents.

28. The following provisions shall apply at sales in execution of immovable property after the 28th May, 1936:

Provisions relating to sales in execution of immovables. [4 of 1936]

(a) Where the sale of the property is for the purpose of enforcing payment of a statutory claim the property shall be sold free from all registered incumbrances, registered leases and registered interests other than real servitudes and free from any other statutory claim in respect of which and of the amount of which the holder has given to the Registrar notice in writing not later than the day before the day of the sale.

(b) Where the sale of the property is for the purpose of enforcing rights under a registered incumbrance the property shall be sold free from all registered incumbrances, registered interests or registered leases to which the registered incumbrance has priority, but subject to all statutory claims, registered incumbrances, registered interests and registered leases which have priority to the said registered incumbrance:

Provided that where the holder of a registered incumbrance has consented in writing to the grant of a lease or of a registered interest being a real servitude a sale at execution for the purpose of enforcing his rights under the incumbrance shall be subject to the lease or servitude.

(c) Where the sale of the property is for the purpose of enforcing the payment of a judgment debt of a judgment-creditor other than the holder of a statutory claim or a registered incumbrance the property shall be sold subject to all statutory claims, registered incumbrances, registered interests and registered leases.

(d)(i) The Registrar shall cause to be given notice in writing not less than eight days before the day of the sale to every holder of a registered incumbrance, registered interest and registered lease by registered post at the address stated in the registered instrument or if there is no such address at the property that the sale is at the instance of the holder of a statutory claim or a registered incumbrance (as the case may be) and that the property will be sold free from all or subsequent (as the case may be) registered incumbrances, registered interests and registered leases.

(ii) there shall be stated in the advertisement of the sale the registered incumbrances, registered interests and registered leases to which the property is subject.

(iii) there shall be stated in the conditions of sale the statutory claims of which notice has been given to the Registrar under paragraph (a).

(iv) Failure to comply with any of the requirements of this paragraph shall not affect the operation of the other provisions of this section or the next five succeeding sections.

29. A judicial sale transport passed after the 28th May, 1936, shall vest in the transferee the full and absolute title to the immovable property or the rights and interest therein subject only to such statutory claims, registered incumbrances, registered interests and registered leases as have not been extinguished by the sale in execution.

Property vested by a judicial sale transport. [4 of 1936]

30. The Registrar after a sale in execution shall satisfy claims out of proceeds of sale in the following order—

Order of distribution of proceeds of sale in execution. [4 of 1936]

(a) where the sale has been for the enforcement of a statutory claim—

(i) the costs in execution of the execution creditor, and the taxed costs of enforcing the claim;

(ii) discharge of the statutory claim for the enforcement of which the property has been sold;

(iii) the discharge of any statutory claim of which notice has been given under section 28(a);

(iv) registered incumbrances in the order of priority;

(v) the residue to the person or persons thereafter entitled;

(b) where the sale has been for the enforcement of a registered incumbrance—

(i) the costs in execution of the execution creditor and the taxed costs of enforcing the claim;

(ii) discharge of the registered incumbrance for the enforcement of which the property has been sold;

(iii) subsequent registered incumbrances in the order of priority;

(iv) the residue to the person or persons thereafter entitled;

(c) where the sale has been for the enforcement of a claim by a judgment-creditor other than the holder of a statutory claim or registered incumbrance—

(i) the costs in execution of the execution creditor;

(ii) the taxed costs of enforcing his claim;

(iii) the amount of the judgment debt;

(iv) the residue to the person or persons thereafter entitled.

Summons to
decide mode of
distribution.
[4 of 1936]

31. If any person who has any interest in the proceeds of sale of any property which has been sold in execution shall be dissatisfied with the decision of the Registrar as to the distribution of the said proceeds, he may within seven days after the decision apply to a Judge of the Court by summons returnable within ten days to be served on all parties for directions as to the mode of distribution or for the decision of any question incidental thereto which may have arisen.

Preservation of
rights and
liabilities where
transport is
passed or sale
made subject to
registered
incumbrance.
[4 of 1936]

32. Whenever a transport is passed or a sale at execution is made subject to any registered incumbrance, registered interest or registered lease the said incumbrance, interest or lease and all the provisions thereof shall continue in full force and effect, and the holder of the transport or the purchaser shall have all the rights, powers and authorities and be subject to all the liabilities which are contained in the instrument or are conferred by law.

Application
of Act.
[4 of 1936
14 of 1938
24 of 1969]
c. 28:02
c. 28:01
c. 64:03
c. 55:03

33. The last five preceding sections shall apply to sales in execution by the Registrar under section 82 of the Local Government Act, section 220 of the Municipal and District Councils Act, section 58 of the Drainage and Irrigation Act, and section 32 of the East Demerara Water Conservancy Act.

Priority of
payment of
debts.

34. No deed or instrument of hypothecation executed at any time after the date of this Act shall be of any force or effect to give any preference or priority to the payment of any advances, debts, or demands made or accruing after the date of that deed or instrument unless it is therein expressed that it is meant or intended to cover or secure future advances, debts, or demands generally, or some proper description thereof is in the deed or instrument described, and unless also some certain sum is expressed in the deed or instrument as that beyond which those future advances, debts, or demands shall not be deemed to be covered or secured by the hypothecation made or created by the deed or instrument.

Registration
of property
acquired from
deceased
persons or
others.

35. Anyone who, by virtue of any contract or transaction or in any other manner has acquired the just and lawful right to the ownership of any immovable property in Guyana, whether registered in the name of or as the property of any other person or not, and who is not able to procure the passing to him and registration in his name of that property by reason of the death, mental incapacity, insolvency, or absence unrepresented from Guyana of the person who last obtained transport of the property, or of any person or persons through or from whom that right has been mediately or immediately derived, or owing to any other cause, may apply to the Court to order that the property be passed to him and be registered in his name,

but that order, unless the Court otherwise directs, shall convey only the title held by the previous owner.

36. (1) Any person affected by a decision of a Judge of the Court refusing to permit the passing of a transport, mortgage, cancelment of mortgage, lease or other document or by any order or decision of a Judge in Chambers may appeal to the Full Court and the provisions of the Rules of the Supreme Court (Appeals), 1924, shall apply to such appeals so far as practicable.

Appeal from Registrar or Judge.
[2 of 1931]

c. 3:02

(2) Any person affected by any order or decision of the Registrar may appeal to a Judge in Chambers. Such appeal shall be by notice in writing to be served on the Registrar within seven days after the order or decision complained of or such further time as may be allowed by a Judge. On the appellant serving notice of appeal the Registrar shall draw up a statement of his reasons for his order or decision and shall lodge such statement with the notice of appeal and cause a copy thereof to be served on each of the parties. Unless otherwise ordered by a Judge there shall be at least four clear days between service of the notice of appeal and the day of hearing. On the hearing of the appeal the Judge shall make such order or give such decision as he shall deem fit and shall have power, subject to this Act, to make such order as to costs as may be just.

(3) In all proceedings before the Full Court of the High Court or a Judge the costs of the Registrar shall be in the discretion of the Court or Judge but the Registrar shall not be ordered to pay the costs of any other of the parties.

(4) For the purpose of calculating the fees payable to the Registrar on an appeal to a Judge or to the Full Court of the High Court such appeal shall be deemed to be an application under Order 40 of the Rules of the High Court.

37. Anyone who acquires the right to immovable property by expropriation and is entitled to obtain transport thereof but cannot from any cause obtain the transport in the ordinary manner and according to the usual forms, may apply to the Court to order that the property be passed to him and registered in his name.

Registration of property acquired by expropriation.

38. (1) Upon hearing an application under section 35 or 37, the Court may grant an order setting forth the description of the property mentioned in the application and calling upon all persons having or claiming to have any right or title thereto to appear and establish their claims upon some day to be named in the order, or to be forever barred therefrom, and may direct the mode of service and publication of the order.

Application under section 35 or 37.

Showing cause. (2) If anyone appears to show cause against the order, the Court may, without the issue of any summons, require any question of fact to be tried with or without pleadings, or make such order as will in the most speedy and inexpensive manner determine the matter in controversy.

Order for registration. (3) Upon consideration of the application, or upon the return of any order aforesaid, no good cause being shown to the contrary, the Court may order the Registrar to pass and register the transport, mortgage, lease, or transfer, as the case may be, of the property mentioned in the order to and in the name of the person, and subject to the terms and conditions, mentioned therein:

Provided that the Registrar shall not be liable for any costs incurred for anything in good faith by him done or refused to be done in the ordinary course of his duty.

Registered mortgage to subsist, subject to terms of order. 39. Subject to the terms of any order aforesaid for the passing and registration of title, any registered mortgage over immovable property so registered in existence at the date of the passing and registration of title shall attach to and upon the property precisely as then existing, and all entries and endorsements required by law to be made upon or in regard to any transport passed in obedience to the order shall be forthwith made by the Registrar.

Payment of fees on registration. 40. When an order has been made under section 38 (3) directing the Registrar to pass transport and register the title in any property in the name of any person, that person shall be liable to pay the fees, taxes, and duties in respect of the registration which he would have been liable to pay if the property had been transported to him directly from the person last holding title as proprietor thereof in due form of law.

Form of registration. 41. Upon filing with the Registrar any order granted under section 38 (3) the Registrar shall certify, sign, and after the passing thereof, register the transport of the immovable property as by the order directed as nearly as possible in the form provided by the rules made under this Act, subject to any conditions directed by the order.

When amount due payable in case of absence to Public Trustee. 42. Any sum of money which the Court making an order under section 38 (3) finds to be due to anyone by the person in favour of whom the order is made shall, if the person to whom it is found due is absent from Guyana, unknown, or a minor, be paid to the Public Trustee to the credit of the person found entitled to it or otherwise as ordered by the Court.

43. (1) If, in the course of proceedings before the Registrar or the Court in pursuance of this Act or of any rules made under it in connection with the passing of any transport, mortgage, or long lease of immovable property, any person concerned in the proceedings, as principal or agent, with intent to conceal the title of any person, or to substantiate a false claim to that property, suppresses, or attempts to suppress, or is privy to the suppression of, any document or fact, that person shall be guilty of a misdemeanour and, upon conviction on indictment, shall be liable to a fine of eight thousand dollars or to imprisonment for two years.

Concealment or suppression of documents or facts.

(2) Anyone who fraudulently procures, or attempts fraudulently to procure, or is privy to fraudulently procuring any entry on any register kept in the registry, or any erasure from the register or alteration thereof shall be guilty of a misdemeanour and, upon conviction on indictment, be liable to a fine of eight thousand dollars or to imprisonment for two years; and any entry, erasure, or alteration so fraudulently procured shall be void as between all parties thereto.

(3) No proceeding or conviction for any act declared by this Act to be a misdemeanour shall affect any remedy to which anyone aggrieved by the act may be entitled, either at law or in equity.

(4) Nothing in this section contained shall entitle any person to refuse to make a complete discovery by answer in any legal proceeding, or to answer any question or interrogatory in any civil proceeding, in any court; but no answer to any question or interrogatory aforesaid shall be admissible in evidence against that person in any criminal proceedings under this Act.

44. (1) The fees payable to the Registrar shall be regulated by regulations made by the Minister responsible for finance.

Fees.
[2 of 1931]

(2) All regulations and all tariffs of fees and costs payable to the Registrar made in pursuance of this section shall be laid before the National Assembly at the first Session thereof after they have been made.

45. For the purpose of ascertaining the correct duty payable under any future Tax Act which imposes a duty on any conveyances or transports of immovable property and on all transfers of rights over or interests in any State lands held under any lease, licence, or permission, the seller or his attorney and the purchaser or his attorney shall, before the passing of the transport or the completion of the transfer, make and file with the Registrar or the Commissioner of Lands, as the case may be, an affidavit in the case of transports

Affidavit or declaration as to consideration for conveyance.

and a declaration in the case of transfers, setting forth the full and true consideration paid or payable for the transport or transfer; but the affidavit or declaration shall not be required where immovable property or the rights or interests in State lands aforesaid is or are proved by affidavit, declaration, or in any other manner to the satisfaction of the Registrar or Commissioner, as the case may be, to have been sold by any auctioneer at public auction.

46. The forms contained in the Third Schedule hereto may, with the variations and additions the circumstances of the particular case require, be used on the occasions to which they respectively apply, and when so used shall be good and sufficient in law.

Forms.
Third
Schedule.

FIRST SCHEDULE

DUTIES OF ASSISTANT SWORN CLERKS

1. Attending on behalf of the Registrar as clerk of court any session of the Supreme Court in its civil or criminal jurisdiction and performing any of the duties legally devolving upon the Registrar in the judicial department or registry of court.

2. Drawing and passing powers *ad lites*. Drawing and passing any inventory. Sealing when necessary any door, box, trunk, or package of a deceased person.

3. Drawing and passing any act of sealing.

4. Drawing and passing any act of breaking the seals and taking them off.

5. Sealing up when necessary any paper, parcel, box, trunk, or package deposited *ad acta*.

6. Attending execution sales.

7. Drawing acts of deposit of wills, and drawing and passing acts of deposit of other documents.

8. Registering any act, paper, or document and supplying certified copies of documents recorded or deposited in the registry.

9. Administering any oath, affidavit, or declaration under this Act.