

other dealing indorsed upon a memorandum of lease or mortgage, as hereinafter provided) record the like memorial on the duplicate grant, certificate of title, lease, or other instrument evidencing title to the estate or interest intended to be dealt with or in any way affected, unless the Registrar, as hereinafter provided, dispenses with the production of the same.

(2.) The Registrar shall indorse on every instrument so registered a certificate of the date and hour on which the said memorial was entered in the Register, and shall authenticate each such certificate by signing his name and affixing his seal thereto.

(3.) Such certificate shall be received in all Courts as conclusive evidence that such instrument has been duly registered.

38. (1.) No instrument shall be effectual to pass any estate or interest in any land under the provisions of this Act, or to render such land liable as security for the payment of money, but, upon the registration of any instrument in manner hereinbefore prescribed, the estate or interest specified in such instrument shall pass, or, as the case may be, the land shall become liable as security in manner and subject to the covenants, conditions, and contingencies set forth and specified in such instrument, or by this Act declared to be implied in instruments of a like nature.

(2.) If two or more instruments executed by the same proprietor, and purporting to transfer or encumber the same estate or interest in any land, are at the same time presented to the Registrar for registration and indorsement, he shall register and indorse that instrument under which the person claims property, who presents to him the grant or certificate of title of such land for that purpose.

39. No Registrar shall register any instrument purporting to transfer, or otherwise to deal with or affect any estate or interest in land under the provisions of this Act, except in the manner herein provided, nor unless such instrument is in accordance with the provisions hereof.

40. (1.) The Registrar and Examiner, in case they see reasonable cause for so doing, may dispense with the production of any grant, certificate of title, lease, or other instrument for the purpose of entering the memorial by this Act required to be entered upon the transfer or other dealing with land within his district and under the provisions of this Act.

(2.) Where such production has been dispensed with as aforesaid, then, upon the registration of such transfer or other dealing, the Registrar shall notify in the memorial in the register-book of his district that no entry of such memorial has been made on the duplicate grant or other instrument, and such transfer or other dealing shall thereupon be as valid and effectual as if such memorial had been so entered :

Provided always that before registering such transfer or other dealing the Registrar shall give at least fourteen days' notice of his intention to register such dealing in the *Gazette*, and in at least one newspaper published in the district.

41. The Registrar, upon payment of the prescribed fee, shall furnish to any person applying for the same a certified copy of any registered instrument affecting land within his district, and every such certified copy signed by him, and sealed with his seal, shall be received in evidence for all purposes for which the original instrument might be put in evidence.

Certificate to be evidence of registration.

Instruments not effectual until entry made in Register. 1908, No. 99, s. 38

Informal instruments not to be registered. *Ib.*, s. 39.

Registrar may dispense with duplicate instruments in certain cases. *Ib.*, s. 40

Certified copies of Register to be evidence. *Ib.*, s. 41