

LEASE AND RELEASE ACT 1842

ACT No. IX. OF 1842.

(Rep., Act 12 of 1891)

[2<sup>nd</sup> September, 1842.]

*Passed by the Hon'ble the President of the Council of India in Council, on the 2<sup>nd</sup> of September, 1842, with the assent of the Right Hon'ble the Governor General of India.*

AN Act for extending the Statute Ch. XXI. 4<sup>th</sup> and 5<sup>th</sup> of Queen Victoria in Certain cases to the Territories of the East India Company.

I. It is hereby enacted, that the Statute Ch. XXI. of the 4<sup>th</sup> and 5<sup>th</sup> years of the reign of Queen Victoria, entitled "An Act for rendering a Release as effectual for the conveyance of Freehold Estates as a Lease and Release by the same parties," shall be extended to the territories of the East India Company from the 1<sup>st</sup> day of October next; Provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the aforesaid Statute, if this Act had not passed and provided, that every deed or instrument of Release taking effect under this Act shall be expressed to be made in pursuance thereof; and it shall not be necessary that it be expressed to be made in pursuance of the Statute aforesaid.

*An Act for rendering a Release as effectual for the conveyance of Freehold Estates as a Lease and Release by the same Parties.*

**[18<sup>TH</sup> May, 1841.]**

"Whereas it is expedient to lessen the expense of conveying Freehold Estates :—" Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, That every Deed or instrument of Release of a Freehold Estate, or Deed or Instrument purporting or intending to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the 15<sup>th</sup> day of May, 1841, [and shall be expressed to be made in pursuance of this Act,] shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing party or parties who shall have executed the same had also executed in due form as Deed or Instrument of Bargain and Sale or Lease for a year for giving effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a year shall be executed, provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same amount of Stamp Duty as any Bargain and Sale or Lease for a year would have been chargeable with (except progressive Duty) if executed to give effect to such Deed or Instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

II. "And whereas many Deeds or Instrument or Bargain and Sale or Leases for a year to give effect to Deeds or Instrument or Release of Freehold Estates heretofore executed, have been lost or mislaid;" be it enacted, That where, in or by any Deed or Instrument of Release of Freehold Estates executed before the 15<sup>th</sup> day of May, 1841, any Deed or Instrument of Bargain and Sale or Lease for a year for given effect to such Deed or Instrument of Release shall be recited, or by any mention thereof in Such Deed or Instrument or Release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive Evidence of the Deed or Instrument of Bargain and Sale or Lease for a year so recited or mentioned having been made and executed ; and such Deed or Instrument of Release shall also have the like effect as if the same had been executed after, the 15<sup>th</sup> day of May, 1841, whether such Deed or Instrument of Bargain and Sale or Lease for a year shall or shall not have been lost or mislaid, or may or may not be produced : Provided always, that this Act shall not prejudice or affect any proceedings at Law or in Equity pending at the time of the passing of this Act, in which the validity of any Bargain and Sale of Lease for a year shall be in question between the party claiming under such

Bargain and Sale or Lease for a year and the party claiming adversely thereto, and such Bargain and Sale of Lease for a year if the result of such proceedings shall invalidate the same, shall not be rendered valid by this Act.

III. And be it enacted, that in the construction of this Act the word "Freehold" shall have not only its usual signification, but shall extend to all Lands an Hereditaments for the conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a year, as well as a Release, would have been used.

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