

- (d.) Any subsisting lease or agreement for a lease for a period not exceeding three years, where there is actual occupation of said land under the same ;
- 5 (e.) Any decrees, orders or executions against or affecting the interest of the registered owner—in such land, which may be registered and maintained in force against such registered owner whilst he so continues the registered owner ;
- 10 (f.) All public highways embraced in the description of the lands included in any certificate shall be deemed to be excluded from the certificate ;
- (g.) And any right of appropriation which may by statute be vested in any person or body corporate.

15 **58.** Every certificate of title granted under this Act shall (except in case of fraud, wherein the registered owner has participated or colluded), so long as the same remains in force and uncanceled under this Act, be conclusive evidence at law and in equity as against Her Majesty and all persons whomsoever, that the person

20 named in such certificate is entitled to the land included in such certificate, for the estate or interest therein specified, subject to the exceptions and reservations mentioned in section fifty-seven, except as far as regards any portion of land that may by wrong description of boundaries or parcels be in-

25 cluded in such certificate when the holder of such certificate is neither a purchaser or mortgagee for value, nor the transferee of a purchaser or mortgagee for value, and except as against any person claiming under any prior certificate of title granted under this Act in respect of the same land, and,

30 for the purpose of this section, that person shall be deemed to claim under a prior certificate who is holder of, or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate granted, notwithstanding such certificate has been surrendered and a

35 new certificate granted upon any transfer or dealing.

Certificate to be conclusive evidence of title.

Exception.

59. A purchaser or encumbrancee for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given or by the non-receipt thereof.

As to omission of notices.

40 **60.** After the registration of the title to any land under the provisions of this Act, no instrument shall be effectual to pass any interest therein or to render such land liable as security for the payment of money as against any *bonâ fide* transferee of the said land under this Act, unless such instrument is executed in accordance with this Act, and

45 is duly registered thereunder.

Instruments must be executed according to this Act to be valid.

TRANSFERS.

61. When land under the provisions of this Act, or any portion of such land, is intended to be transferred, or any right-of-way or other easement is intended to be created or

Memorandum to be made and what it must contain.