Toda ley o parte de ley contraria a cualquiera de las disposiciones de ésta, queda también derogada.

THOMAS SNOWDEN,
Contra Almirante de la Armada de los Estados Unidos.
Gobernador Militar de Santo Domingo.

Santo Domingo, R. D.,
1º de Julio de 1920.

MILITARY GOVERNMENT OF SANTO DOMINGO.
EXECUTIVE ORDER No. 511.
G. O. No. 3147.

By virtue of the powers vested in the Military Government of Santo Domingo, the following Executive Order providing for the Registration of Lands and the Demarkation, Survey and Partition of *Terrenos Comuneros*, is hereby dictated and promulgated.

PREAMBLE.

WHEREAS: it is a matter of public knowledge that land titles in Santo Domingo are in general so confused and uncertain as to handicap the development of the country, foster fraud and blackmail on a wholesale scale, and result in unjust deprivation of rightful owners of their land, thus provoking disorder and breaches of the peace, and tending to loss of confidence in the State; and,

WHEREAS: this condition has been recognized in various proclamations, decrees and laws in the past, but all efforts at relief through statutes and otherwise have been inadequate and of little avail; and,

WHEREAS: to remedy this condition and restore confidence in property rights and peace to the State, a vigorous measure is necessary which will determine the true ownership of land and compel its public registration by a scientific method; and,

WHEREAS: the Courts now established have their dockets crowded with criminal and civil matters, and a separate tribunal dealing exclusively with the present problem of land titles is essential to its proper solution;

NOW, THEREFORE: by virtue of the powers vested in the Military Government, and the duty and power of every Government to remove obstacles to development, preserve property, restore tranquillity and keep the peace, the following Order providing for the Registration of lands and the Demarkation,

Survey and partition of *Terrenos Comuneros*, is hereby dictated and promulgated:

PRELIMINARY CHAPTER.

ARTICLE 1. This Executive Order shall be known as "The Land Registration Act", the purpose of which is hereby declared to be the speedy registration of all lands throughout the Dominican Republic, which purpose, including the demarkation, survey and partition of *Terrenos Comuneros* is hereby declared to be a matter of Public Order.

Wherever the words *"Terrenos Comuneros"* or *"Comunero Districts"* are used in this Act, they shall be understood to mean undivided tracts of land owned, or claimed to be owned, by two or more persons, the interest of each such person being represented by shares known as *"pesos"* or other units which have reference to the value or proportionate rights rather than to the area of the land owned or claimed by such persons; and whenever the words *"Peso Titles"* are used, they shall be understood to mean any such titles to *"Terrenos Comuneros"* or *"Comunero Districts"; PROVIDED,* That there shall be excluded from all land included within the outside limits thereof (a) definite areas in which the prescriptive period provided for by Article 69 has run in favor of another person or persons; (b) definite areas as to which actual occupants have acquired possessory rights as provided in Article 87 hereof; *PROVIDED FURTHER,* That whenever all the shares pertaining to any *Comunero* District shall have been acquired by one person, the rules laid down in this Act for the determination of the validity of the titles representing such shares shall apply in the same manner and to the same extent as if such land were still undivided.

Wherever the word "person" is used in this Act, it shall be understood to include companies, partnerships, stock companies, corporations, private or public, and any other similar associations, the Dominican Republic, or any political subdivision thereof, or any other legal entity.

For the purpose of this Act, lands shall be considered "possessed" when:

(1) under actual cultivation or when put to some other beneficial use;

(2) when surrounded or inclosed by fences, walls, hedges, itches, *trochas,* or similar means of indicating boundaries;

(3) when surveyed by a public surveyor as evidenced by an *acta de mensura* and plan.

The term "dollar", whenever used in this Act, shall be

construed to mean money of the United States or its equivalent in money of the Dominican Republic.

The word "Court" wherever used in this Act, shall mean the Land Court, unless the context requires a different construction.

The term "Land Court" shall mean any Court operating under the provisions of this Act, including the Superior Land Court, and Courts presided over by single justices or judges.

Land shall be considered "registered" for the purposes of this Act when a final decree of the Land Court in favor of the person or persons found by it to be the owner of such land has been transcribed on a certificate of title made out in the name of such owner.

The term "transcription", wherever used in this Act, shall mean the transcribing *in extenso* of documents affecting land presented to registers of deeds.

Oaths and acknowledgements required by this Act may be administered by or taken before any officer authorized by the laws of the Dominican Republic to administer oaths or take acknowledgments; *PROVIDED*, That without the Dominican Republic oaths may be administered or acknowledgments taken before any officer having a seal authorized to administer oaths or take acknowledgments in the jurisdiction where same are administered or taken, but no such affidavit or other oath or acknowledgment appearing on any instrument shall be accepted for the purposes of this Act unless the official character of the officer administering or taking the same be certified to by a diplomatic or consular representative of the Dominican Republic or by some official authorized to so certify by the law of such jurisdiction, whose official character is in turn certified to by such diplomatic or consular representative.

Whenever the phrase "innocent purchaser for value" or an equivalent phrase occurs in this Act, it shall be deemed to include an innocent lessee, mortagee, or other incumbrancer for value.

CHAPTER I.

ARTICLE 2. A special court is hereby established to be called the "Land Court", which shall have exclusive jurisdiction of all proceedings for the registration under this Act of the title to land, buildings or permanent improvements, or an interest therein within the Dominican Republic, including the demarkation, survey and partition of *terrenos comuneros*, with power to hear and determine all questions arising from such proceedings, and shall also have jurisdiction over such other questions as

may come before it under this Act. Such proceedings shall be *in rem* against the land and the buildings and improvements thereon and the decrees shall operate directly on the land and the buildings and improvements thereon, and vest and establish title thereto.

The Land Court shall hold its sittings in the City of Santo Domingo, but may adjourn from time to time to such other places as the public convenience may require, and may hold sessions at any time in the capital of any province. Suitable rooms shall be provided for the sittings of the Court in the same building with, or convenient to, the office of the register of deeds, as well as all necessary books and such printed blanks and stationery for use in registration proceedings as may be ordered by the Court hereby created.

The Land Court shall be a court of record and shall cause to be made a seal, and to be sealed therewith all orders, process and papers made by or proceeding from the Court and requiring a seal. All notices, orders and process of such Court may run into any province and be returnable as the Court may direct. It shall have jurisdiction throughout the Dominican Republic, and shall always be open, except on Sundays, and holidays established by law; *PROVIDED, HOWEVER*, That the regular sessions of the Court may be suspended for the period beginning with the first day of May and closing with the first day of July of each year, which shall be known as the Court vacation. During the Court vacation one or more justices or judges shall remain in the Republic subject to the call of the Executive Power for the performance of duties appertaining to the court. On or before the first day of February of each year the Executive Power shall issue an Executive Order naming the justices or judges who shall remain on duty. The assignment for vacation duty shall be so arranged that no justice or judge shall be assigned for such duty more than once in three years. The justices or judges shall have the same powers in all respects during the vacation period as during the period of the regular sessions of the Court, and may also, if they deem it advisable, hold special terms during the vacation period for the trial of cases upon their merits. The justices or judges not assigned to vacation duty may spend the period of their vacation either in the Republic or abroad. Every third year after his appointment each justice or judge shall be entitled to an additional vacation of three months. This five-month vacation shall be assigned to him by the Executive Power, but shall always be fixed within a period to include the regular court vacation. No leave shall accumulate from year to year to the justices or judges under this

order; but the Executive Power may, in its discretion, postpone the extra three months' vacation from one year to the next if this is required by the public interests, provided each justice or judge shall have at least two such vacations in five years. During the court vacation, and during the leave of absence for five months granted every third year, the justices and judges affected thereby and enjoying the same shall draw full pay.

ARTICLE 3. The said Court shall consist of three justices, to be appointed by the Executive Power and shall hold office for a term of five years unless removed for cause. They shall have the following qualifications: shall have practiced law, or have been a judge of a Court of First Instance or a higher court in the Dominican Republic or a Court of Record in the United States or in any of its Insular Possessions, be competent to read, write and understand the Spanish language and be familiar with the principles of the Civil Law. One of such justices shall be appointed President of the Court, and the others as Associate Justices thereof.

ARTICLE 4. In the exercise of its revisional, appellate and administrative authority, the Land Court shall sit in banc as a body composed of the President and Associate Justices, and whenever acting in the excercise of such authority shall be known as the "Superior Land Court".

Two members shall constitute a quorum of the Superior Land Court, and the concurrence of two justices shall be necessary to pronounce a judgment. In the determination of causes, all decisions of the Court shall be given in writing, and the grounds of the decisions shall be stated as briefly as may be consistent with clearness, except when approving an uncontested decision of a single justice or judge, when no reasons need be given.

ARTICLE 5. The authority and jurisdiction of the Court shall begin and take effect as soon as the justices thereof are appointed and have qualified in the manner provided in the following Article. The Court may be held by a single justice, and, when so held, shall have the authority, as a Court of original jurisdiction, committed to said Court. Different sessions may be held at the same time, either in the same province or in different provinces, as the President of the Land Court may decide. and it shall so arrange sessions as to insure a prompt discharge of business.

ARTICLE 6. The justices of the Court and the judges hereafter provided for shall, before they proceed to execute the duties of their respective offices, take and subscribe the following oath before any officer qualified to administer oaths, to wit:

I, ..., solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as....., according to the best of my ability and understanding, agreeably to the laws of the Dominican Republic.

ARTICLE 7. In addition to its original jurisdiction, the Land Court shall have the following revisional, appellate and administrative powers:

(1) It shall pass upon and review all decisions rendered by the judges hereinafter provided for, or decisions rendered by a single justice of the Land Court, and shall affirm, reverse and may direct the proper judgment, order or decree to be entered, or direct a new trial or further proceedings to be had. If a new trial be ordered, the Court shall, wherever possible, pass upon and determine all the questions of law involved in the case considered necessary for the final determination of the action.

(2) It shall hear any arguments and evidence presented against any decision dealt with in the preceding paragraph in reference to which an application for a new hearing has been made as provided in Article 15.

(3) It shall entertain appeals from the decisions of judges or single justices of the Land Court in the excercise of the criminal jurisdiction provided for in Articles 46 to 51, inclusive, of this Act, where such appeals have been taken in the manner and within the time provided for in Articles 32 and 52, and shall have power to affirm, reverse or modify same.

(4) It shall from time to time make general rules for the conduct of the business before the Court, including business conducted before any of the courts presided over by judges. Such rules, when duly made and promulgated, and not in conflict with the provisions of this Act, shall be binding and must be observed; but no judgment rendered by any single justice or judge shall be reversed or set aside by a failure of the Court to comply with such rules unless the substantial rights of a party have been impaired by such failure.

(5) It shall prepare and adopt convenient forms of certificates of title, and shall adopt general forms of memoranda to be used by registers of deeds in registering common forms of deeds of conveyance and other instruments, and such other forms as may be necessary or appropiate under this Act.

(6) It shall exercise all the administrative authority conferred upon it by the provisions of this Act.

ARTICLE 8. In case of a vacancy in the office of President of the Land Court, or of his absence or inability to perform his duties, an associate justice shall be designated by the Executive Power to act until the vacancy is filled or any disability removed.

ARTICLE 9. There shall likewise be appointed a supervising judge, and such other judges, having the special qualifications prescribed in Article 3 hereof for the justices of the Land Court to be selected in the discretion of the Executive Power, as shall prove to be necessary for the purpose of this Act. Such judges shall have all the powers of original jurisdiction conferred by this Act on the Land Court, and shall hold court at such points to which they may be assigned by the President of the Land Court. Such judges shall hold office until their services are no longer needed, but subject to removal at any time by the Executive Power on recommendation of the Superior Land Court.

ARTICLE 10. Whenever a judgment of a judge shall be reversed and a new trial ordered, the Superior Land Court may assign one of its own members or any judge to hear the case upon the new trial, instead of the judge whose judgment has been vacated, if, in the opinion of the Court, fairness to the parties requires such order.

All evidence taken upon the former trial which is admissible may be used upon the new trial without retaking, but additional evidence may be presented upon the second trial by any of the parties.

ARTICLE 11. The Superior Land Court may, at any time, and for any reason satisfactory to it, assign any justice of the Court to sit with any judge, or the supervising judge to sit with any other judge during any particular case or for such period as may be determined by the Court.

ARTICLE 12. No justice or judge appointed under authority of this Act shall be liable to a civil action for the recovery of damages by reason of any judicial action or judgment rendered by him in the performance of his official duties.

INCIDENTAL POWERS OF THE COURT.

ARTICLE 13. Every court held under the authority of this Act shall have the power:

1. To subpoena and compel the attendance and testimony of witnesses and the presentation of documentary evidence, whether

public or private documents, or real evidence, and to issue search warrants in proper cases;

2. To preserve and enforce order in its immediate presence;

3. To enforce order in proceedings before it, or before a person or persons empowered to conduct a judicial investigation under its authority;

4. To compel obedience to its judgment, order and process, and to the lawful orders of a judge out of court, in actions or proceedings pending therein;

5. To call upon the local police or the Guardia Nacional for such assistance as it may deem necessary, through channels that may be indicated by the Secretary of Interior and Police; and

6. To fix the amount of obligation to be given by the accused in criminal or contempt proceedings, with sureties to its satisfaction for the appearance of the accused to answer the charge and, upon the approval or such obligation, to release the accused from custody.

ARTICLE 14. Citations, orders of notice, and all other process issuing from any court held under the authority of this Act shall be under the seal of the Court, and signed by any justice, judge or the clerk thereof, and shall be served in the manner provided in the rules of the Court.

ARTICLE 15. Every order, decision or decree rendered by a single justice or judge, except in criminal or contempt proceedings, shall be submitted to the Superior Land Court for review, and shall not become effective and final in the absence of the approval of said Court. Any party legally interested in an order, decision or decree of a court of original jurisdiction, who wishes to be heard at such review, shall be permitted to present written or oral arguments, but shall be confined to the evidence as shown by the record of such case, in the absence of a showing, in the manner provided in the rules of the Court, that certain evidence, proper to be considered by the Court, was improperly excluded, or of newly discovered evidence materially affecting the issue which could not have been discovered with reasonable diligence in time for presentation to the court of original jurisdiction.

The application of such person for rehearing shall be made in a statement in writing that he desires to be heard on review, filed with the clerk of the Court, whose order, decision or decree, is appealed from, within thirty days after such order, decision or decree has been published by posting at the main door of the Court building. The clerk shall attach such statement to the record to be forwarded to the Superior Land Court.

In the event that a party asking to be so heard does not appear at the time set by the Superior Land Court for the hearing of his arguments, the Court may, unless a continuance has been applied for and granted, enter a default and proceed with the consideration and decision of the case in the absence of such party.

ARTICLE 16. The Executive Power shall appoint a Clerk of the Land Court who shall keep a docket of all causes and affix the seal of the Court to all process and papers proceeding therefrom and requiring a seal. He shall, in person or by deputy, attend all sessions of the Court, and keep minute books in which he shall record, under the direction of the President, all the proceedings of the Court, and shall, whenever ordered by the Court, either on its own motion or upon the request of an interested party, cause to be made an exact transcript of all oral testimony given in the case to which such order refers. He shall also cause to be served and executed all orders and process issued from the various courts provided for by this Act, and enforce good order in and about the court-rooms occupied by such courts.

ARTICLE 17. The Clerk shall be under the direction of the Superior Land Court, shall have the custody and control of all papers and documents filed with him under the provision of this Act, and shall carefully number and index the same. Said papers and documents shall be kept in the City of Santo Domingo in an office which shall be in the same building as the Court, or near to it, and shall be open to the public subject to such reasonable regulations as the Clerk, under the direction of the Superior Land Court, may make. The Clerk may, with the sanction of the Court, employ such deputies, assistants, stenographers, typewriters, and messengers as may be necessary, within the limits of the appropiation for such purposes. He shall also, under the direction of the Court, cause forms of index and registration and entry books to be prepared for the use of the registers of deeds hereinafter provided for.

Such deputies and assistants, when assigned by the Clerk to work in the courts held under the provisions of this Act, shall be under the direct control of the justices or judges of the courts.

ARTICLE 18. The Clerk may act in any province; and after the land has been registered under this Act, he shall cause to be made, by the proper register of deeds, all memoranda affecting the title, and cause to be entered and issued certificates of title as provided herein.

ARTICLE 19. There shall be a register of deeds in the

cabecera of each province, who shall be appointed by the Executive Power, who shall have a seal, and who, after any land within his province has been registered under this Act, shall make all memoranda affecting the title to such land, and transcribe and issue new certificates of title as hereinafter provided, and affix the seal of his office to such certificates and duplicate certificates of title; but in executing the provisions of his Act, the registers of deeds shall be subject to the general direction of the Clerk of the Court, in order to secure uniformity throughout the Republic, and their official designation shall be "Registers of Deeds" for the province in which their duties are to be performed.

All records and papers filed in the office of the register of deeds shall be open to the public, subject to reasonable regulations prescribed by the Clerk of the Court, and the register of deeds shall issue certified copies of all instruments filed and registered with him, upon payment of the fees prescribed in Article 140.

ARTICLE 20. The Clerk of the Court, his deputies, and all fiscals and assistant fiscals, registers of deeds, and examiners of title shall be sworn before any official authorized to administer oaths, and a record thereof shall be made in the records of the Court. The Clerk of the Court and registers of deeds shall each give a bond to the Government of the Dominican Republic for the benefit of whom it may concern in a sum to be fixed by the Treasurer for the faithful performance of their official duties, before entering upon the same. The justices, judges, fiscals, the Clerk of the Court, examiners of title and all registers of deeds, shall have power to administer oaths in all matters and cases in which an oath is required, whether pertaining to the registration of land or otherwise. The Clerk and his deputies and assistants, and all registers of deeds shall keep an accurate account of all money received, as fees or otherwise, which shall be subjected to examination and revision by the Treasurer, and they shall deposit such money in accordance with instructions issued by the Treasurer. In case of the death, absence or disability of any register of deeds, the assistant register or, if there is no assistant register, the senior employee in the office of the register of deeds, shall perform the duties of register. The Clerk of the Court and all registers of deeds may require bonds of indemnity from all deputies, assistants, and amployees in their respective offices.

ARTICLE 21. A Fiscal of the Land Court, and such assistant fiscals as later prove to be necessary, shall be appointed

by the Executive Power, whose duty it shall be to represent the Government of the Dominican Republic, and, if so directed by the Secretary of Interior and Police, that of all political subdivisions thereof in all proceedings before said Court in which they may have or appear to have an interest; and to this end it shall be the duty of the fiscal to intervene in any proceeding in which the interests of the people of the Dominican Republic, or those of any political subdivision thereof, are involved; *PROVIDED*, That whenever in any such proceeding the interests of any political subdivision of the Dominican Republic shall be in conflict with those of the Central government, such political subdivision may, at its option and at its own expense, employ other counsel to represent it in such proceedings. The Fiscal shall present complaints and informations in all criminal cases coming before the Court or before any justice or judge thereof, and shall prepare and prosecute such cases and have complete charge thereof subject to the order the Court. The Fiscal and the assistant fiscals shall be lawyers, and shall confine their practice to that of attorneys for the Government.

ARTICLE 22. The President of the Court may appoint a sufficient number of examiners of title to meet the needs of the Courts holding session under the provisions of this Act, within the limit of the amount appropiated for such purpose.

ARTICLE 23. The salary of the President shall be 7500 dollars, and the salaries of the Associate Justices shall be 7000 dollars per annum each; that of the Supervising Judge shall be 6000 dollars per annum, and that of any other judge appointed under this Act shall be 5000 dollars per annum. The salary of the Clerk of the Court shall be 5000 dollars per annum. The salaries of the fiscal, assistant fiscals, registers of deeds and examiners of title, shall be fixed in the annual appropriation.

All salaries and expenses of the Court, including those for necessary stenographers, typewriters, and other employees, including deputy and assistant clerks, registers of deeds and their deputies and employees and examiners of title, shall be paid from the National Treasury.

DISQUALIFICATION OF JUDGES.

ARTICLE 24. No justice, judge or examiner of title shall sit in any cause or proceeding in which he is pecuniarily interested or related to any party within the sixth degree of consanguinity or affinity, computed according to the rules of the Civil Law, nor in which he has been counsel, without the

written consent of all parties to the proceedings, signed and entered upon the record.

No challenge as to the competency of any of the officials named in this Article shall be received and allowed, but if it is desired to claim that the official is disqualified by the provisions of this Article the party objecting to his competency may, in writing, file with the official his objection, stating the ground therefor, and the official shall thereupon proceed with the trial, or withdraw therefrom, in accordance with his determination of the question of his disqualification. His decision shall be forthwith made in writing and filed with the other papers in the case, for the consideration of the Superior Land Court upon review.

Whenever, in any cause or proceeding, a justice of the Land Court is disqualified, or prevented in any way from participating, the President of the Court shall, if necessary, designate from among the judges of the Land Court, a judge to act in the place of the disqualified justice in the consideration of the cause or proceeding.

ARTICLE 25. In the case of the death of any justice or judge who may have begun any trial, but before the termination of the same, or in the case of his disability for any other reason to terminate such trial, the President of the Land Court may, in his discretion, designate another justice or judge to complete the trial and to decide the case. Such other justice or judge shall have the same power as the justice or judge who began the trial to decide all questions arising in connection with the case, and to decide the case upon the evidence appearing in the record.

CONTEMPT.

ARTICLE 26. Any court provided for by this Act, or a justice or judge thereof at chambers, may punish summarily, by a fine not exeeding two hundred dollars, or by imprisonment not exceeding thirty days or both, a person guilty of misbehavior or disrespect in the presence of or so near the Court or judge as to obstruct the administration of justice, including the refusal of a person present in court to be sworn as a witness or to answer as a witness when lawfully required.

ARTICLE 27. A person guilty of any of the following acts may also be punished for contempt:

1. Disobedience of, or resistance to a lawful writ, process, order, subpoena, judgment or command of a court;
2. Misbehavior in case of an officer or employee of

the Court in the performance of his official duties or in his official transactions.

ARTICLE 28. In cases under Article 27, a charge in writing shall be filed with the Clerk, and entry thereof made upon the docket, and an opportunity given the accused to be heard, by himself or counsel; but this Article shall not be so construed as to prevent the Court from issuing process to bring the accused party into court, or from holding him in custody pending such proceedings.

The Court shall then determine whether the accused is guilty of the contempt charge, and if it be adjudged that he is guilty, he may be fined not exceeding $1000, or imprisoned not more than one year, or both.

ARTICLE 29. When the contempt consists of the omission to do an act, which it is yet in the power of the accused to perform, he may be imprisoned until he shall perform it.

ARTICLE 30. If the party released on bail fails to appear upon the day named, the Court may issue an order of arrest, or may order the obligation for his appearance to be prosecuted, or both.

ARTICLE 31. When a person has been imprisoned for contempt by the Land Court or any justice or judge thereof, the Superior Land Court may discharge him from imprisonment, when it shall be made to appear to the Court that the public interests will not suffer thereby.

ARTICLE 32. Appeals shall lie to the Superior Land Court from judgments and orders of a single justice or judge made in cases of contempt, except in cases arising under Article 26.

Such appeals may be taken only after a final judgment in the action.

The procedure applicable in the taking of such appeals and the hearing thereof shall be that provided in Article 52 hereof, but the execution of the judgments and orders shall not be suspended until there is filed by the person in contempt in the Court rendering the judgment or making the orders, an obligation with sureties, to the acceptance of the judge, in an amount to be fixed by the judge, that if judgment be against him, he will abide and perform the orders and judgment.

ARTICLE 33. Any lawyer duly licenced to practice law under the laws of the Dominican Republic shall be entitled to practice before the Land Court. but the employment of a lawyer

shall not be necessary in any proceedings had before said Court; and any party to such proceedings may appear in his own behalf or, except in criminal proceedings, by a person named by him as his attorney in fact, on filing in Court a power of attorney complying with the requisites of Article 136.

The Superior Land Court may make rules and regulations not inconsistent herewith, governing practice before the Land Court, and the preparation of papers for use in registration proceedings; and, in the interests of justice, may, by regulation, restrict such practice, and the preparation of such papers, and the fees lawfully chargeable for the preparation of such papers, and may punish violations of any such rule or regulation in contempt proceedings.

DISBARMENTS.

ARTICLE 34. Any lawyer debarred form the right to practice before the other Dominican courts, shall not be permitted to practice or appear in behalf of another person before the Land Court. And any lawyer may be suspended for such period as the Superior Land Court shall determine, or be permanently debarred from his right to practice before the Land Court for any deceit, mal-practice, or other misconduct in such profession, or by reason of his conviction of a crime involving moral turpitude, or for wilful disobedience of any lawful order of the Court, or for corruptly or wilfully appearing as a lawyer for a party to an action or proceeding before the Court without authority to do so. Procedure in suspension and disbarment proceedings shall be provided for in rules of the Court.

Any person, other than a lawyer, guilty of any of the above acts or practices, or whom the Court finds to be incompetent, shall be deprived of the right to appear in behalf of another in any Court operating under the provisions of this Act: *PROVIDED,* That if the order depriving any such person of his right to appear be issued by a single justice or judge, an appeal shall lie in any such case to the Superior Land Court; but, pending the resolution of any such appeal, the order of such single justice or judge shall govern.

WITNESSES.

ARTICLE 35. The testimony of all witnesses, except such as has been taken in writing in the form of depositions as otherwise provided in this Act, or in the rules of the Court, shall be given on oath in open court orally, and each witness

may be orally cross-examined by an adverse party or his counsel, or by the Court with sufficient fulness and freedom to test his accuracy and truthfulness and freedom from interest or bias, or the reverse, and to elicit all important facts bearing on the issue. The Court shall have the power to restrict cross-examinations so as to confine them to the purposes last above specified and to prevent irrelevant or insulting interrogatories.

ARTICLE 36. In determining where the preponderance or superior weight of evidence on the issue involved lies, the Court shall consider all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility.

The Court may also consider the number of witnesses, although the preponderance need not be with the greatest number.

ARTICLE 37. At the instance of any party to any proceedings held under the provisions of this Act, or on its own motion, the Court may issue a subpoena directed to any witness whose testimony may be desired, requiring his attendance as a witness at a time and place therein specified. If the witness fails to appear at the time and place specified in the subpoena, the Court may issue a warrant upon which he may be seized and brought before the Court and compelled to testify, and the costs of such warrant and seizure of the witness shall be paid by the witness if the Court shall determine that his failure to answer the subpoena was wilful or without justifiable excuse.

ARTICLE 38. The service of a subpoena shall be made by delivering a copy thereof, attested by the officer making the service to be a true copy, to the witness personally. The service must be so as to allow the witness a reasonable time for preparation and travel to the place of attendance. Such service may be made by any officer of the Court or of the law, or by any person specially authorized, in writing, upon the subpoena.

ARTICLE 39. If the witness resides at a distance from the point where the Court is holding session, or if he is too ill or infirm to attend, or if it appears that the witness is about to leave for some distant point and will probably continue absent when the testimony is required, or for any other reason satisfactory to the Court, the Court may order the taking of testimony by means of a deposition of which all interested parties shall receive due notice. Such deposition may be taken before any judge, *al-*

calde, or Notary Public designated by the Court. Any interested party may attend the examination and put such questions, direct and cross, as may be proper. The deposition, when completed, must be carefully read to the witness and corrected by him in any particular, if desired; it must then be subscribed by the witness and certified by the judge or officer taking the depositon. Such judge or officer shall then enclose same in an envelope or wrapper, which shall be sealed and directed and transmitted to the Clerk of the Court in which the proceedings are pending, and thereupon such deposition may be presented in evidence against any party receiving notice, subject to all legal exeptions; but if the parties attend the examination, no objection to the form of an interrogatory can be made at the hearing unless the same was stated at the time of the examination. The deposition may be excluded if the Court finds that the taking was in any respect unfair or fraudulent.

ARTICLE 40. (a) It shall be the duty of each Notary Public, or *Alcalde* acting as such, immediately upon the promulgation of this Act, to list correctly in triplicate all documents and notarial instruments of every kind in his possession, except wills of persons not deceased, pertaining to titles to real property. Such list shall be in the form of a statement in sufficient detail to permit the ready indentification of the documents listed therein; and if the records, protocol or archives, of any notary show that there have at any time been in his possession any further documents or notarial instruments affecting real property other than those found to be in his possession at the time of the promulgation of this Act, he shall include them in the list and shall deliver them with the other documents. If for any reason any of these documents are not in his possession, and he is unable to obtain them, he shall separately list such other documents and notarial instruments, which separate list shall immediately follow the main list, and shall give in respect to each entry of such separate list a statement of reasons showing why any original document or notarial instrument referred to therein is not in his possession or cannot be produced. Upon the completion of such list, not later in any event than 60 days from the date of the promulgation of this Act, it shall be the duty of every such notary to deposit said documents and notarial instruments with the lists thereof in triplicate with the *Conservador de Hipotecas* at the *cabecera* of the province in which lies the commune for which he is commissioned and acting. If a notary's residence is in a commune which does not contain the *cabecera* of a province, deposit in the post-office of his residence, in securely wrapped and sealed packages addressed to the *Conservador de Hipotecas* of the province

in which the notary resides, shall discharge his duties under this article.

At the foot of the original, duplicate and triplicate copies of each such list, but leaving space for receipt of the *Conservador de Hipotecas* hereinafter provided for, shall appear the following form of oath, which shall be taken and subscribed to by the Notary Public before any officer authorized to administer oaths:

Dominican Republic

Province of ————————

Commune of ————————

Personally appeared before me this ————day of ———— 1920,————————————, who being first duly sworn,

(full name of notary or *alcalde*)

deposes and says, that the foregoing statement prepared by him in his official capacity as Notary Public in and for the commune of ————————, Dominican Republic, containing———— entries, is true, and is a complete statement of all documents and notarial instruments in his possession, and which at any time have been in his possession, affecting real property, which he is required by the terms of Article 40 of the Land Registration Act to turn over to the *Conservador de Hipotecas*, or otherwise account for.

————————————————————

(Signature and title of notary or *alcalde*)

Sworn and subscribed to before me, the day and year aforesaid.

————————————————————

(Signature and official title of officer administering oath)

(b) It shall be the duty of the Secretary of each *Ayuntamiento* of Commune, or the person acting as such, immediately upon the promulgation of this Act, and not later in any event than 30 days after such promulgation, to transmit, in securely wrapped and sealed packages to the *Conservador de Hipotecas* for the province where the commune is situated, all protocols, registers and all documents and instruments pertaining thereto, which may be in the possession of the *Ayuntamiento* due to the death of any Notary or any *Alcalde* acting as such, or of any *Agrimensor Público*, or which may be in its possession for any other reason. A list of all protocols, registers and all documents and instruments pertaining thereto which for any reason have become separated or not bound with the protocols or registers,

shall be prepared in triplicate, and transmitted along with the protocols, registers, documents and instruments pertaining thereto, leaving space at the bottom for the receipt of the *Conservador de Hipotecas*.

Secretaries of *Ayuntamientos* of Communes, other than the *Cabeceras* of Provinces, shall transmit the packages by registered mail.

(c) It shall be the duty of each *Agrimensor Público*, immediately upon the promulgation of this Act, and not later in any event than sixty days after such promulgation, to transmit in securely wrapped and sealed packages to the Clerk of the Land Court in Santo Domingo City, all *Libros de Registro de Actas de Mensura* kept by him under the requirements of Article 29 of the *Ley de Agrimensura*. *Agrimensores Públicos* whose residences are elsewhere than in Santo Domingo City, shall transmit such packages by registered mail.

(d) Postmasters shall furnish franked envelopes for use in the transmission of packages mailed in compliance with the provisions of this Article, and shall register such packages free of charge.

(e) In any case where, under the provisions of this Article, it is made the duty of a Notary Public, Secretary of *Ayuntamiento* or *Agrimensor Público* to deliver or transmit to any officer any protocols, registers, documents or instruments, such duty shall be discharged by the delivery of such protocols, registers, documents or instruments, to an official named by the Executive Power, in the event that the Executive Power shall so direct.

(f) The reports and documents deposited with the *Secretaría de Justicia* under Executive Order No. 363, shall be turned over to the Land Court on its request.

ARTICLE 41. From and after compliance with the provisions of the preceding article, there shall be no legal depositaries of original instruments affecting titles to real property other than the Registers of Deeds or persons acting as such under the provisions of this Act.

ARTICLE 42. It shall be the duty of the *Conservador de Hipotecas*, or the person acting as such, to receipt on each copy of the list referred to in Article 40, if, after comparing same with the documents and instruments so deposited, he finds the list and copy thereof to be correct, and thereupon to return the receipted original to the Notary or the person acting as such,

The documents and instruments, together with the duplicate copy of the list, the *Conservador de Hipotecas* shall carefully preserve among the files of his office. The triplicate copy of such list shall be immediately forwarded by the *Conservador de Hipotecas* by registered mail to the Clerk of the Land Court at Santo Domingo City.

ARTICLE 43. Any Notary Public, *Alcalde,* Secretary or *Ayuntamiento,* or *Agrimensor Público,* who shall fail to comply with any of the requirements of Article 40 of this Act, shall, on information or complaint presented by the *Fiscal* or deputy *fiscal,* be brought before any justice or judge of the Land Court and shall, upon conviction, be fined in a sum of not more than $1000, or be imprisoned for a term of not more than one year, or be both so fined and imprisoned in the discretion of the Land Court; *PROVIDED,* That any Notary Public or *Alcalde,* who shall submit any false or incomplete statement under the requirements of said Article 40, shall be guilty of perjury, and shall, upon conviction before a justice or judge of the Land Court, be subject to the penalties provided in Article 4, paragraph "D" of Executive Order No. 202.

ARTICLE 44. Until a register of deeds shall be appointed for any province, the incumbent *Conservador de Hipotecas* shall be the register of deeds of such province and perform the duties of such office as defined by this Act. Upon the assumption of his office by a register of deeds for any province, appointed under the authority of this Act, the incumbent *Conservador de Hipotecas* shall turn over to such register of deeds all records and documents pertaining to his office, whereupon the office of *Conservador de Hipotecas* shall cease to exist in that province.

ARTICLE 45. Upon assuming office, the Registers of Deeds provided for by this Act shall carefully inspect all original documents and notarial instruments which they find among the files of the *Conservador de Hipotecas*; and wherever they find documents or instruments pertaining to real property, situated in other provinces, such documents and instruments, upon being carefully listed, shall be invoiced to the various registers of deeds for the provinces to which such documents or instruments pertain. Such invoice shall be made out in quadruplicate, the original and one copy of which shall be sent by registered mail, with the documents and notarial instruments to which the invoice refers, to the register of deeds of the province to which such documents and notarial instruments pertain. One copy shall be sent to the Clerk of the Land Court at Santo Domingo City, and one copy

retained by the register of deeds in his office. The receiving register of deeds shall, upon receiving the documents, carefully check the invoice against the documents, and, if found correct, shall receipt on the original and return same to the remitting register of deeds.

ARTICLE 46. Any person who offers in evidence or files with any justice, judge, examiner of title, or surveyor, acting under the order of the Land Court, any instrument of title, which title, or any title upon which such title is based, is found by the Land Court or any justice or judge thereof, after investigation, to be false or fraudulent, shall, on information or complaint presented by the *fiscal* or a deputy *fiscal*, be brought before the justice or judge of the Land Court having jurisdiction of the case in reference to which such false or fraudulent title was presented; and if such Court shall decide that the person so presenting such titles was aware at the time of its presentation that it was false or fraudulent, or had reason to believe that such title was false or fraudulent, or does not prove to the satisfaction of the court that he took reasonable steps to investigate its genuineness, such person shall be deemed guilty of false testimony, and, upon conviction, shall be fined in a sum not less than $50 nor more than $5000, or be imprisoned for not less than one month nor more than five years, or may be punished by both such fine and imprisonment in the discretion of the Court; *PROVIDED*, That if the party presenting title declares at the time of such presentation that the title presented was purchased in good faith, but that after investigation he is suspicious of the genuineness of such title, and has been unable to decide as to its genuineness, no prosecution shall lie.

Whenever, in any proceedings under the provisions of this Act, evidence shall be adduced tending to show the authorship of any forged title presented in Court, the judge of said court shall send the forged title, together with a certified transcript of the evidence tending to show authorship of the forgery, to the Secretary of Justice, in order that the said Secretary may take steps to bring about immediate prosecutions in the proper criminal courts in all cases in which the evidence presented seems to him to warrant such prosecutions.

FURTHER PENALTIES.

ARTICLE 47. Any person who shall commit any of the offenses described in Articles 48, 49, 50 and 51, shall, upon complaint or information presented by any *fiscal* of the Court,

be brought before the appropiate court, presided over by a justice or judge of the Land Court, and shall, upon conviction, be subject to the penalties prescribed.

ARTICLE 48. Whoever knowingly swears falsely to any statement required to be made under oath by this Act shall be guilty of perjury, and shall, upon conviction, be punished as provided in Executive Order No. 202.

ARTICLE 49. Whoever fraudulently procures, or assists in fraudulently procuring, or is privy to the fraudulent procurement, of any certificate of title or owner's duplicate certificate, or of any entry in the register or other book kept in the office of the clerk or any register of deeds, or of any erasure or alteration in any entry in any set of books or in any instrument authorized by this Act, or knowingly defrauds, or is privy to defrauding, any person by means of a false or fraudulent instrument, certificate, duplicate certificate, statement or affidavit affecting registered land, shall be deemed guilty of fraud, and, upon conviction, shall be fined not exceeding $5000, or imprisoned not exceeding five years, or both, in the discretion of the Court.

ARTICLE 50. Any person who (1) forges, or procures to be forged, or assists in forging the seal of the Clerk of the Land Court, or of any register of deeds, or the name, signature, or handwriting of any officer of the Court or of the register of deeds, in any case where such officer is expressly or impliedly authorized to affix his signature; or (2) fraudulently stamps or procures to be stamped, or assists in stamping, any documents with any forged seal of the Clerk of the Land Court or register of deeds; or (3) forges, or procures to be forged, or assists in forging the name, signature, or handwriting of any person to any instrument which is expressly or impliedly authorized to be signed by such person under the provisions of this Act; or (4) uses any document upon which an impression, or part of an impression, of any seal of the Clerk of the Land Court or of a register of deeds, has been forged, knowing the same to have been forged, or any document, the signature to which has been forged, knowing the same has been forged, shall be deemed guilty of forgery, and, upon conviction, shall be imprisoned not exceeding five years, or fined not exceeding five thousand dollars, or both, in the discretion of the court.

ARTICLE 51. Any person who, with intent to defraud, sells, conveys, leases, mortgages or incumbers registered land, knowing that an undischarged attachment or any other incumbrance exists thereon, which is not noted by memorandum on the

duplicate certificate of title, without informing the grantee of such attachment or other incumbrance before the consideration is paid, shall be deemed guilty of fraud, and, upon conviction, shall be punished by imprisonment not exceeding three years, or by a fine not exceeding three thousand dollars, or by both, in the discretion of the Court.

ARTICLE 52. Appeals shall lie from all convictions by any justice or judge of the Land Court, under the authority of Articles 46, 48, 49, 50 and 51 of this Act, to the Superior Land Court.

Such appeals shall be perfected by filing with the Clerk of the Court pronouncing sentence, within the period of ten days, an appeal in writing signed by or in behalf of the person so convicted. The Clerk shall thereupon attach such written statement to the record of the case and forward the same to the Superior Land Court, but the execution of the sentence shall not be suspended until there is filed by the convicted person in the court pronouncing the sentence an obligation, with sureties to the acceptance of the judge, in an amount to be fixed by him. In the event that the party instituting such appeal does not appear in person, or by counsel, before the Superior Land Court at the time set by the Court for the hearing, the Court, unless a continuance has been applied for and granted, may issue an order declaring the appeal taken to be vacated and the obligation forfeited, whereupon the sentence appealed from shall become final.

ARTICLE 53. No conviction for any act prohibited by this Act shall affect any remedy to which any person, aggrieved or injured by such act, may be entitled by law, against the person who has committed such act, or against his estate.

CHAPTER II.

REGISTRATION PROCEEDINGS.

ARTICLE 54. The Superior Land Court shall, from time to time, determine the districts or areas as to which the public interests require that priority be given in the settlement and adjudication of titles to land, and shall make report thereof to the Secretary of Fomento, who shall thereupon cause to be made a cadastral survey and plan of lands included in such districts or areas, and establish the outside limits thereof. The Secretary of Fomento shall give notice to the general public of the day on which such survey will begin, giving as full and accurate a description as possible of the lands

to be surveyed. Such notice shall be published in two successive issues of the Official Gazette, and shall be posted in a conspicuous place on the lands to be surveyed, and be posted on the main door of the City Hall and the *Alcaldía* of the Commune or Communes in which the lands, or any portion thereof, are situated.

ARTICLE 55. It shall be lawful for the surveyors, designated by the Secretary of Fomento, to make the survey, to enter upon the lands whenever necessary for the making of the survey and for the placing of monuments; and it shall be the duty of every person to communicate to the surveyor in charge, upon his request therefor, all information possessed by such person concerning the boundary lines of the lands. Any person who wilfully refuses to give such information, or in any manner interferes with the making of the survey or the placing of monuments, and any person who defaces, destroys or removes the monuments, placed on the land by the surveyors or their assistants, or alters the location of such monuments, or destroys or removes the notices of survey posted on the lands, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine not exceeding $1000, or by imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the Court.

ARTICLE 56. In case the lands surveyed are a *comunero* district, or within the lands surveyed there is included one or more of such districts, the outside boundaries of such district or districts shall be shown, as also the location of inclosed or cultivated areas of lands, pastures, buildings, structures, and other improvements of all kinds, together with the names of the owners or persons in possession thereof.

A rough topographical sketch shall also be made to accompany the survey, which shall indicate as accurately as possible, without the use of surveying instruments, the general character of the land, whether mountainous, hilly, stony, marshy, or level; also what appears to be good arable land, and the land which appears to be of little or no value for cultivation, with reasons for such absolute or comparative unfitness.

ARTICLE 57. When the lands have been surveyed and platted, the Secretary of Fomento, represented by the Fiscal of the Land Court, shall file in the appropriate court, presided over by a justice or judge of the Land Court, a petition against the persons owning, holding, claiming, possessing, or occupying

such lands or any part thereof, stating in substance that the public interests require that the titles to such land be settled and adjudicated. The petition shall contain a description of the lands in question and shall be accompanied by a plan thereof and shall show, so far as known, the names of the owners of lands bounding on the cadastral survey, and may contain such other data as may serve to furnish full notice to the occupants of the lands and to all persons who may claim any right or interest therein. The boundaries or limits of the various parcels possessed or owned by the different persons shall be indicated on the plans as accurately as possible. The parcels shall be known as "lots" and shall, on the plans filed in the case, be given separate numbers. The lots situated within the district or area covered by a cadastral survey shall, so far as practicable, be numbered consecutively, beginning with the number "1" and such numbers shall be known as "cadastral numbers"; *PROVIDED, HOWEVER,* that, in the case of urban lands, a designation of the land holdings by block and lot numbers may be employed instead of the designation by cadastral numbers, and shall have the same effect for all purposes as the latter.

In orders and documents affecting title to land registered under the provisions of this Act, or used in proceedings hereunder, in which cadastral numbers are used, such numbers shall be written in both words and figures.

After decree has been entered for the registration of a lot, its cadastral number shall not be changed except by order of the Court. Future subdivisions of any lot shall, with the approval of the Court, be designated by a letter, or letters, of the alphabet, added to the cadastral numbers of the lot to which the respective subdivisions pertain. The letter with which a subdivision is designated shall be known as the "cadastral letter"; *PROVIDED, HOWEVER,* that subdivisions of additions to cities may, with the approval of the Court, be designated by block and lot numbers instead of cadastral numbers and letters. All such subdivisions shall be made in accordance with the provisions of Article 76, and the provisions of Article 96 shall be applicable to conveyances of land so subdivided.

ARTICLE 58. Upon receipt of the petition and the accompanying plan, the Clerk shall cause notice of the filing of such petition to be published twice in the Official Gazette, and at least once in a newspaper of general circulation in the province where any portion of the land lies; or if there be no such newspaper, then in a daily newspaper of the City of Santo Domingo,

having a general circulation. The notice shall be, in form, substantially as follows:

REGISTRATION OF TITLES

PROVINCE

The Land Court.

"To (here insert the names of all persons appearing to have an interest, and those of the adjoining owners, so far as known), and to all whom it may concern:

"Whereas a petition has been presented to said Court by the Secretary of Fomento, praying that the titles to the following-described lands, or the various parcels thereof, be settled and adjudicated, you are hereby cited to appear at the session of the Land Court to be held at.....in the province of ....., on the ..... day of .....19.... at ..... o'clock, to present such claims as you may have to said lands or any portion thereof, and to present evidence, if any you have, in support of such claims.

(Insert description of land)

And, unless you appear at said Court at the time and place aforesaid, your default will be recorded, and the titles of the land will be adjudicated and determined in accordance with the prayer of the petition and upon the evidence before the Court, and you will be forever barred from contesting such petition or any decree entered thereon.

"Witness the Honorable ..... Judge of said Court, this.....day of ..... 19....

"ATTEST:

_____

Clerk of the Court."

ARTICLE 59. The return of said notice shall not be less than 30 days, nor more than one year from the date of the issue; but such time may be extended in the discretion of the Court upon due cause being shown. The Court shall also, within seven days after the issuance of said notice as hereinafter provided, cause notice to be mailed by the Clerk to every person named therein, whose address is known. The Court shall also cause a duly attested copy of the notice to be posted in a conspicuous place on the lands covered by the petition, and also on the main doors of the City Hall and the *Alcaldía* of the Commune or Communes

in which the lands, or a portion thereof, are situated, fifteen days, at least, before the return day. The Court shall also cause other or further notice of the petition to be given in such manner, and to such persons, as it may deem proper.

ARTICLE 60. Whenever it shall appear necessary, the Court shall appoint a suitable person to act as guardian *ad litem* for persons under disability, or out of the Dominican Republic, who may have an interest. The compensation of the guardian shall be determined by the Court and assessed as a charge against the person in interest.

ARTICLE 61. When any of the parties, upon application, establish that, because of poverty, ignorance, or other just reason, they are unable properly to prepare their case, the Judge or Clerk of the Court shall detail an officer or employee of the Court, or of the office of the register of deeds, to assist such parties in the preparation of their answers and evidence, without cost to them.

The Court shall, at some convenient date prior to the expiration of the time for filing the answer, cause such general notice to be issued to all persons as may be necessary fully to inform them of the purposes of this Article and their rights in respect thereto.

ARTICLE 62. Any person claiming any interest in any part of the lands, whether named in the notice or not, shall enter an appearance before the Court by himself or by some person in his behalf, and shall file an answer on or before the return day, or within such further time as may be allowed by the Court. The answer shall be signed and sworn to by the claimant, or by some person in his behalf, and shall state the full name of the claimant, whether he is married, and, if married, the full name of the husband or wife, and the date of the marriage; and if unmarried, whether he or she has been married, and if so, when, where and how the marriage relation terminated, and shall show:

(a) The age of the claimant.

(b) The cadastral number of the lot or lots claimed, as appearing on the plan filed in the case, or the block and lot numbers, as the case may be. In case the land claimed is not accurately represented on the plan, then a description of such land by metes and bounds.

(c) A specific description of the permanent improvements on the land and a statement as to who owns them.

(d) The full names of the owners of the adjoining lots, so far as known.

(e) If the claimant is in possession of the lots claimed, a statement of the instrument of title by which held; and if there be no such instrument of title, the date or dates when he or his predecessors in interest acquired such possession.

(f) If the claimant is not in possession of the land, the answer shall fully set forth the interest claimed by him and the time and manner of its acquisition.

(g) If the lots have been assessed for taxation, the number of the declaration by which declared and their last assessed value.

(h) The incumbrances, if any, affecting the lots, and the names of adverse claimants, so far as known.

(i) If the land claimed contains or borders on a public or private way or road, a statement whether any and what land within the limits thereof is claimed.

(j) All muniments of title upon which any claim is based, in possession of claimant, shall be filed with the answer.

ARTICLE 63. The Court shall cause each answer to be investigated by one or more examiners of title, who shall search the records and investigate all the facts in the answer, or otherwise brought to his or their attention, and file in the case report thereon, concluding with his or their opinion regarding the title.

ARTICLE 64. Upon completion of all reports of the examiners of title in the case, the Court shall set down the case for trial. The trial may occur at any convenient place within the province in which the lands are situated, or at such other place as the Court, for reasons stated in writing and filed with the record of the case, may designate.

At the trial each party who has entered an appearance and filed an answer may present evidence, and offer arguments.

ARTICLE 65. The Court shall enter a default against all persons comprised in the notice by name or by the words "To whom it may concern", who do not appear and answer within the time allowed, and may proceed with the consideration and decision of the case in the absence of any such person.

ARTICLE 66. If conflicting claims are presented for the same land and the Court is unable to determine which is valid,

the claim presented by a person in peaceful possession in good faith on December 13, 1919, the date when the laws providing for the partition of *Terrenos Comuneros* were suspended, shall prevail.

ARTICLE 67. (a) In the determination of the validity of instruments of title presented as evidence of ownership, the following shall be considered invalid:

(1) Those which courts of competent jurisdiction have previously held, in any final decision, to be invalid.

(2) Those which the Land Court, after investigation, decides to have been forged or fraudulent, or to be invalid on account of some substantial defect or irregularity, apparent, or not apparent, on their face.

(3) Those representing land against which prescription has run in favor of another owner.

(b) There shall also be a presumption *juris tantum* against the validity of:

(1) Notarial deeds or other notarial documents, the originals of which are found to have been separated from the protocols of notaries, or persons acting as such.

(2) Instruments of title not containing note of inscription in the *Libro de Inscripción Territorial* of the province in which the property is situated, in the cases of instruments referring to land which is unquestionably rural, and those not registered in the *Registro de Actas Civiles*.

ARTICLE 68. The Court, in determining boundaries, shall take into consideration, among other things, the boundary lines as described in judicial decisions, or in plans and documents of survey, made either by public or private surveyors, the monuments or markings made by such surveyors, the indications of old documents the testimony of old residents, and the existence of fences, walls, hedges, ditches and *trochas*.

PRESCRIPTION.

ARTICLE 69. (a) For the purpose of the registration of land under this Act, the terms of prescripton shall be as at present provided by law; *PROVIDED*, That possession, sufficient to constitute the basis for prescription, for a term of ten years shall be sufficient in all cases where it shall include the six months immediately succeeding the promulgation of this Act; and, *PROVIDED, FURTHER*, that a continuous uninterrupted, peaceful, public, and unequivocal possession by a co-owner in a *comunero* district for a term of ten years, shall be sufficient to

entitle him to the registration of land thus possessed, where it shall include the six months immediately succeeding the promulgation of this Act.

(b) Any co-owner in a *Comunero* District may, during said period of four months immediately succeeding the promulgation of this Act, file in the Land Court a sworn opposition to the running of prescription in favor of any other co-owner; and if the Land Court subsequently finds, upon hearing, that the statement of facts contained therein is true, and that the facts alleged constitute a sufficient legal basis for an action which would interrupt the running of prescription in favor of the co-owner against whom such opposition may be directed, such running of prescription shall cease to operate from the date upon which such opposition shall have been received in the Land Court.

Every such opposition shall be accompanied by a fee of ten dollars.

ARTICLE 70. All conflicting interests shall be adjudicated by the Court and a decree awarded in favor of the persons entitled to the lands or the various parts thereof. Every decree of registration shall bind the land, and quiet title thereto, subject only to the exceptions stated in Article 80 and this Article. It shall be conclusive upon and against all persons, including the Dominican Republic and all political subdivisions thereof, whether mentioned by name in the petition, notice or citation, or included in the general description "To all whom it may concern". Such decree shall not be opened by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding in any court for reversing judgments or decrees; subject, however, to the right of any person deprived of land, or of any estate or interest therein, by decree of registration, obtained by fraud, to file in the Court a petition for review within one year after entry of the decree, provided no innocent purchaser for value has acquired an interest. If there be any such purchaser, the decree of registration shall not be opened, but shall remain in full force and effect forever. Any person aggrieved by such decree, in any case, many pursue this remedy by action for damages against the claimant, or any other person, for fraud in procuring the decree.

ARTICLE 71. Every decree of registration entered in accordance with the provisions of the preceding article, shall, if no mention is made therein of permanent improvements, be conclusive upon and against all persons, that the person in whose favor such decree of registration is entered has title to such permanent improvements, existing on the land described in such

decree, as well as to the land itself, without the necessity of so stating in the decree, to the same extent that such decree of registration is made conclusive as to the title to the land itself. If the Court find after hearing that some person, other than the person found to have title to the land, has title to the permanent improvements existing thereon, the Court shall specifically exclude such improvements, when entering the decree of registration covering the land, describing such improvements with sufficient accuracy to permit of their ready identification. The title to permanent improvements placed upon such land subsequent to the entering of such decree of registration, in absence of a registered instrument showing contrary intent, shall be conclusively vested in the registered owner of the land.

If the proceedings upon the application end in a decree of registration of title, the land included therein shall, as soon as said decree is transcribed, as hereinafter provided in Article 73, become registered land, and thereafter all deeds or other instruments relating to such land shall be registered in the registration book and filed and indexed with the records and instruments relating to registered lands.

ARTICLE 72. Every decree of registration shall bear, the date, hour and minute, of its entry, and shall be signed by the Clerk. It shall set forth the full names of all persons whose estates make up the whole title in the land, whether as tenants in common or otherwise. It shall state whether the owner is married or unmarried, and if married, the name of the husband or wife. If the owner is under disability, it shall state the nature of the disability, and, if a minor, shall state his age. It shall contain a description of the land, as finally determined by the Court, with cadastral numbers, and shall set forth the estate of the owner, including any water rights pertaining to the land, and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments and other incumbrances, including rights of husband and wife, if any, to which the land or owner's estate is subject, and shall set forth the ownership of any permanent improvements, which are not the property of the owner of the land, and may contain any other matter, proper to be determined in pursuance of this Act. The decree shall be stated in a convenient form for transcription upon the certificates of titles when issued.

CERTIFICATES OF TITLE.

ARTICLE 73. For each cadastral lot in the decree of registration, the Clerk shall send a separate certified copy, under the seal of the Court, of the portion of the decree, covering such

lot, to the register of deeds for the province in which the land lies, which the register of deeds shall transcribe in a book to be called "The Registration Book", hereinafter described, in which a leaf or leaves, in consecutive order, shall be devoted exclusively to each title. The transcription made by the register of deeds in this book, in each case, shall constitute the original certificate of title, and shall be signed by him and sealed with the seal of his office. Certificates of title shall be numbered consecutively, beginning with number one in each province. The register of deeds shall, in each case, make an exact duplicate of the original certificate, including the seal, but putting on it the words "Owner's duplicate certificate", and deliver the same to the owner, or to his attorney duly authorized. Notation of the person to whom any duplicate certificate is issued shall be made by the register of deeds in the Registration Book and upon each certificate. In case more than one owner has an estate in the land, separate duplicate certificates may be issued to each such owner. In case of a variance between the owner's duplicate certificate and the original certificate, the original shall prevail. The certified copy of the decree of registration shall be filed and numbered by the register of deeds with reference noted on it to the location of the original certificate of title; *PROVIDED, HOWEVER,* that when a parcel of land covered by the same title lies in more than one province, the Court shall cause the part lying in each province to be described separately by metes and bounds in the decree and shall cause to be issued a separate certified copy for each such part; *PROVIDED, FURTHER,* that whenever two or more contiguous cadastral lots are shown in the decree of registration to belong to the same owner or owners, the Court may cause a single certified copy to be issued covering such lots.

ARTICLE 74. The Registration Book provided for in the preceding article shall be prepared by binding such number of forms of certificates of titles as shall be determined by the Clerk with approval of the Land Court in such manner that no sheet can be removed without leaving sign of its removal. On the fly leaf of each such book the Clerk of the Court, or a Deputy designated by him with the approval of the Land Court, shall enter a certificate, stating the number of folios contained in the book and that all such folios are in good condition. It shall be the duty of each register of deeds, immediately upon receipt of each such book, to sign an indorsement prepared for his signature on the same fly leaf certifiying that the book received is found by him to correspond with the Clerk's indorsement, unless some discrepancy be found. Each registration book shall be num-

bered in chronological order of receipt, and, so far as practicable, those bearing prior numbers shall be exhausted before use of those bearing later numbers is commenced. When all entries to be made in any registration book have been accomplished, the register of deeds shall enter a signed certificate on the page next after the last entry, stating the number of entries that appear in the registraton book, the pages used for such entries, and the date of the certificate. He shall then draw heavy lines in ink connecting the diagonal corners of the remaining unused pages, if any, in such a way as to prevent their subsequent use. Registration books shall remain permanently in the office of the register of deeds, and shall not be removed therefrom at any time except upon order of the Land Court.

ARTICLE 75. The certificate entered in pursuance of the decree of registration in regard to any parcel of land shall be entitled in the registration book "Original certificate of title, entered pursuant to decree of the Land Court, dated at" (stating time and place of entry of decree and the number of case). This certificate shall take effect upon the date of the transcription of the certified copy of the decree.

Subsequent certificates relating to the same land shall be in like form, but shall be entitled "Transfer from Number" (the number of the next previous certificate relating to the same land), and also the words "Originally registered" (date, volume, and page of registration).

ARTICLE 76. A registered owner holding one duplicate certificate for several distinct parcels of land may surrender it, and, on order of the Court, the register of deeds shall cancel the original and duplicate certificate, and in lieu thereof shall issue a new original and duplicate certificate for each such parcel. A registered owner holding separate certificates for separate district parcels may surrender them, and with like approval, take out a single certificate for the whole land, or separate certificates for different portions thereof. Any owner desiring to subdivide a tract of registered land into lots shall file a plan of such land, when applying for a new certificate or certificates, and the Court, before ordering the issue thereof, shall cause the plan to be verified, and require that all boundaries, streets, roads and ways shall be distinctly and accurately delineated thereon.

ARTICLE 77. After entry of the original certificate of title of any lot, the designation of the lot by its cadastral number, or block and lot numbers, as the case may be, together with the name of the commune or communes, and the province in which the lot is situated, shall be a sufficient description of said

lot for all purposes. The cadastral letter of a subdivision of a lot added to the cadastral number thereof, shall, together with the name of the commune or communes, and province, be a sufficient description of such subdivision.

ARTICLE 78. The certificate in the registration book, any copy thereof duly certified under the seal of the register of deeds, and also the owner's duplicate certificate, shall be received as evidence in all Courts of the Dominican Republic, and shall be conclusive as to all matters contained therein, exept as to incumbrances described in Article 80.

ARTICLE 79. In the event of an application for a hearing at the time of the review of any decision or order of the Court, such hearing shall be restricted to the lot or lots designated in such application. The Superior Land Court may confirm the trial court's decision as to all remaining lots included in the action, and final decree covering such remaining lots may be entered and certificates of title issued therefor.

Whenever a new trial is ordered, the Superior Land Court shall specify the lot or lots by cadastral numbers with reference to which the new trial is ordered, and the case shall remain closed, as to all other lots, if any, included in the action.

ARTICLE 80. Every person receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser for value in good faith of registrered land to whom a certificate of title is issued, shall hold the same free of all rights and incumbrances, except those noted on said certificate, and any of the following rights and incumbrances which may be subsisting at the time of the issuance of such certificate, namely:

First: Liens, claims, or rights arising or existing under the laws of the Dominican Republic in favor of the Dominican Republic, and liens for property taxes either national or municipal.

Second: Any public or private way or road established by law where the certificate of title does not state the boundaries of such way or road have been determined. But if there are easements or other rights appurtenant to a parcel of registered land, such easements or rights shall remain so appurtenant and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate without mention of the easement or other rights, or in any other manner.

Third: All rights and easements acquired in accordance with the Law of Conservation and Distribution of Water in Arid Regions, and the Mining Law, if duly registered thereunder; *PROVIDED*, That, when the land to which the water rights are

appurtenant is registered, the water rights shall appear in the certificate of title.

Fourth: Such portion of the term of a lease as does not exceed one year, if the lessee is in possession under the lease.

ARTICLE 81. No title or interest in derogation of that of the owner of land registered under the provisions of this Act shall be acquired by prescription or adverse possession; nor shall the provisions of Articles 1674 to 1685, inclusive, of the Civil Code, providing for the rescission of sales in which the vendor is injured by more than seven-twelfths of the true value of the land sold, apply to sales of registered land.

TERRENOS COMUNEROS.

ARTICLE 82. In addition to the general provisions of this chapter, the following special provisions embodied in Articles 83 to 88, inclusive, shall govern in all cases involving *terrenos comuneros*.

ARTICLE 83. All answers claiming title in the same land shall be referred to the examiner or examiners of title, who, in addition to searching the records and investigating all the facts stated in the answer or otherwise brought to his attention, shall receive written oppositions which any claimant shall present to the title of another, and shall, when so directed by the Court, call a hearing or hearings on such oppositions at which all parties shall be given an opportunity to present evidence and arguments. If the Court so orders, stenographic record shall be made of all oral evidence presented at such hearings.

ARTICLE 84. In the absence of clear proof to the contrary, instruments of title presented to cover land (*Terrenos Comuneros*) not possessed by the claimants or their predecessors in interest on December 13, 1919, shall be presumed to be invalid, and in the absence of like proof, persons presenting in good faith instruments of title purporting to cover such land possessed by them or their predecessors in interest on December 13, 1919, shall have a presumption in their favor as to the validity of such titles, to the extent necessary to cover the land possessed. Good faith shall be presumed in the absence of clear proof to the contrary.

ARTICLE 85. In making his report the examiner of titles shall give his opinion as to the validity of each title presented and as to the proportion of the land to which each claimant with valid title is entitled, and shall file with his report the oppositions and evidence submitted.

ARTICLE 86. In the hearing held by the Court it shall not be bound by the report of the examiner of title, but may accept such report in whole or in part, or order it recommitted for further findings.

The decision of the Court shall determine the validity of each title and the proportion in which each claimant is entitled to participate in the partition of the land.

ARTICLE 87. As soon as possible after the decision shall become final, the Court shall proceed with the partition of the land, and in such partition shall observe the following rules:

(1) If there were no persons in possession of any of the land on December 13, 1919, the Court, in ordering the division thereof, shall take into account the topography of the *Comunero* District, the good arable land, land good for other purposes, waste land or lands unsuitable for agricultural or other purposes, perennial streams, and all other matters that should be considered as affecting the value of the various parts.

(2) When a co-owner, in possession at the time of the institution of registration proceedings, is found to have been in possession of a portion of the *Comunero* District on December 13, 1919, not greater than that to which he is lawfully entitled, he shall be assigned such portion; and the remainder of such *Comunero* District not possessed by any co-owner shall be divided among the other co-owners, except as provided in paragraph 4, in accordance with paragraph 1. If such possessor is found not to be in possession of the full proportionate part of the *Comunero* District to which he has been found entitle, an additional quantity of land to make up the deficiency shall be assigned to him, which shall, if possible, be adjacent to the land so possessed.

(3) When a co-owner, in possession at the time of the institution of registration proceedings, is found to have been in possession on December 13, 1919, of a greater portion of the *Comunero* District than that to which he is lawfully entitled, he shall be given the option to purchase such excess portion, at a price to be fixed by the Court, which shall not include the value of the improvements made by him or his predecessors in interest, nor any enhancement in the value of the land arising from such improvements. If he shall so elect within thirty days after notification by the Court of the price fixed, the Court shall, by order, designate the proportion of such payment belonging to each co-owner; and in case payment in full is not made prior to the issuance of his certificate of title, the amount due, at the legal rate of interest, shall be noted as an incumbrance on his certif-

icate of title; and in case full payment is not made within one year next succeeding the issuance of such certificate of title, said incumbrances may be foreclosed in the Land Court at any time thereafter. If such co-owner fails to so elect within such period of 30 days, the Court shall order his ejection from the excess portion of the land possessed by him.

(4) When a person, other than a co-owner, in possession at the time of the institution of registration proceedings, is found to have been in possession in good faith of any portion of the land of a *Comunero* District for less than the time necessary for the ripening of prescription, but for more than one year at the time of the promulgation of this Act, he shall be given the option of the purchase of the land so possessed by him, at a price to be fixed by the Court which shall not include the value of the improvements made by him or his predecessors in interest. If he shall so elect within 30 days after notification by the Court of the price fixed, the Court shall, by order, designate the proportion of such payment belonging to each co-owner; and in case payment in full is not made prior to the issuance of his certificate of title, the amount due, at the legal rate of interest, shall be noted as an incumbrance on his certificate of title; and in case full payment is not made within the period of one year next succeeding the issuance of such certificate of title, said incumbrance may be foreclosed in the Land Court at any time thereafter. If such person fails to so elect within such period of 30 days, the Court shall order his ejection from the land thus unlawfully possessed by him.

(5) When, for any reason, any property included in a *Comunero* District is not susceptible of equitable division, and the co-owners fail to agree as to the disposition of the property, the Court shall take the testimony of persons best informed regarding property and real-estate values in the vicinity, and shall appraise in the light of such testimony, without being bound by it, (1) the value of the improvements; (2) the value of the land without the improvements; and shall thereupon order the sale of the land, including the improvements thereon, at public auction.

The costs of the sale shall first be deducted from the gross receipts. From the balance shall be paid to the owner of the improvements an amount which bears the same ratio to the total sale price as the appraised value of the improvements bears to the total appraised value of both land and improvements. The remainder shall be distributed among the various co-owners in proportion to their interests in the land.

ARTICLE 88. In effecting such partition, the Court shall request the Secretary of Fomento to designate a surveyor, who shall set apart to each of the parties in interest such part and proportion of the lands as the Court shall order. Except insofar as the particular area to which any person referred to in the preceding article is determined by possession, the surveyor, after reviewing and examining the *comunero* district, shall divide the same into parts corresponding to the proportions to which each co-owner is entitled as determined by the Court. The parties shall be heard as to their preference in the portions of the *comunero* district to be set apart to them, which preference may be taken into consideration in the absence of objection, or in spite of such objection for reasons to be given in the report of the surveyor. The surveyor, throughout the proceedings, shall endeavor to set apart the *comunero* district to the several parties in such lots or parcels as shall be most advantageous and equitable to all concerned. The surveyor shall thereupon submit to the court a plan showing the lots set apart to each party in interest accompanied by a full and accurate report of all his proceedings.

Upon submission of such plan and report, the Court, upon hearing, of which hearing all parties shall be given notice, shall consider the plan submitted, and, if it finds such plan to be fair and just, the Court shall accept the same and issue judgment in accordance therewith. If the Court finds such plan unjust, unfair, or defective in any particular, it may accept the plan in part, and issue judgment in accordance with such part accepted, or it may require a new plan to be submitted in accordance with any directions it may deem necessary.

On confirming the partition, the Court shall enter a decree or registration complying with the requirements of Article 72, stating by adequate description the particular land apportioned to each party in interest, and assigning cadastral letters in cases where land covered by a cadastral number is subdivided.

ARTICLE 89. In cases of land for which no other ownership is established, decrees shall be entered in favor of the Dominican Republic, declaring it to be the owner of such land, and certificates of title thereto shall be issued in the name of the Dominican Republic as such owner; *PROVIDED*, That, whenever, in cases of land so awarded to the Dominican Republic, one or more persons are found to have been in possession of any portion or portions of the land so awarded for a longer period than one year immedately preceding the date of the promulgation of this Act, it shall be the duty of the Court to ascertain and fix the boundaries of the portion or portions so possessed, and to give notice to the Custodian of Public Lands of the fact that

such person or persons (naming him or them) are in possession of such portion or portions (giving description or descriptions), included within the area of the Land covered by such certificate of title issued in the name of the Dominican Republic.

CHAPTER III.

ARTICLE 90. For the purposes of making the surveys required by this Act, the Secretary of Fomento is hereby authorized to employ, on requisition of the President of the Land Court, duly qualified surveyors, without limitation as to nationality; *PROVIDED*, That, in the employment of such surveyors competent Dominican surveyors shall be given preference. All surveyors so employed shall be governed by rules established by the Secretary of Fomento, which rules, when promulgated with the approval of the Executive Power, shall have the force and effect of law. After the promulgation of this Act, only such surveyors as shall be employed by the Secretary of Fomento, shall have authority to make surveys for submission to the Land Court.

ARTICLE 91. The Secretary of Fomento shall report to the Court the total cost of each survey, including the costs of survey in partition proceedings, upon its completion. The cost of survey and monumenting shall be borne by the owner or owners of each lot or parcel of the land registered in the proportion fixed by the Court, and executions may issue therefor, unless the Court shall authorize payment to be made in instalments as provided in Article 92. In cases where the land of various owners is included in one survey, or where partition proceedings are had, the share pertaining to each parcel of land shall be specified by the Court in its final decision or by subsequent order.

ARTICLE 92. If the owner or owners of the land, or any of them, satisfy the Court that they are unable to pay their proportionate part of such survey, the Court shall so state in its final decision or by subsequent order, in which case the amount apportioned against each lot or parcel of land shall constitute a lien upon the land, second only to liens for taxes, and enforceable in the same manner, and shall be collected by the Bureau of Property Taxes in three annual instalments. The first instalment shall become due and payable at the same time with the land taxes next due, and shall be collected and accounted for in the same manner as such land taxes.

Each succeeding instalment shall become due and payable at the same time as the land taxes for the corresponding year, and shall be collected and accounted for in the same manner;

PROVIDED, HOWEVER, That the owner of any parcel of land may, at any time before it becomes due, pay any instalment of the costs apportioned against such parcel.

CHAPTER IV.

DEALING WITH LAND AFTER ORIGINAL REGISTRATION.

ARTICLE 93. After original registration, no deed, mortgage, lease or other instrument, voluntary or involuntary, except a will and a lease for one year or less with the lessee actually in possession, purporting to convey or affect registered land, shall take effect as a conveyance, or bind the land, but shall operate only as a contract between the parties and as evidence or authority to the clerk or register of deeds to make registration. The act of registration shall be the operative act to convey or affect the land, and in all cases under this Act, the registration shall be made in the affice of the register of deeds for the province or provinces in which the land lies; and no deed, mortgage, lease or other instrument, except a will, purporting to convey or affect registered land, executed by a person succeeding to the same under a will, or by intestate succession, shall take effect as a conveyance of or bind such land until the land has been registered in the name of such person, and the instrument executed by him also registered in the name of grantee or transferee.

ARTICLE 94. Every conveyance, mortgage, lease, lien, attachment, order, decree, instrument, or entry affecting registered land, shall be effective from the time of its registration in the office of the register of deeds for the province where such property lies.

ARTICLE 95. Every deed or other instrument presented for registration shall contain or have indorsed thereon the full name, place of residence, and post-office address of the grantee or other person acquiring an interest under such instrument; and every such instrument shall also state whether the grantee is married or unmarried, and if married, give the full name of the husband or wife. If the grantee is not a natural person, the instrument shall describe the legal entity and state the government under which organized. Any change in the residence or post-office address of such person shall be indorsed by the register of deeds on the original instrument and upon the original certificate of title, on receiving a sworn statement of such change. All notices required by or given in pursuance of the provisions of this Act by the Clerk or by any register of deeds,

after original registration, shall be sent by mail to the person to be notified at his post-office address as stated in the certificate of title, or in any registered instrument. All notices, citations or order process directed by order of the Court, after original registration, may be served on any person in interest in the manner above stated, and shall be binding, whether such person resides within or without the Dominican Republic, and the certificate of the Clerk shall be conclusive of such service which shall be considered effected fifteen days after the date of mailing; *PROVIDED, HOWEVER,* That the Court shall in any case order different or further notice, citation or other process when the interests of justice require such action.

ARTICLE 96. No new certificate of title shall be entered nor shall any memorandum be made upon any certificate of title by the Clerk, or by any register of deeds, in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented for such indorsement, except in cases expressly provided for in this Act, or upon the order of the Court, for cause shown; and whenever such order is made, a memorandum thereof shall be entered upon the new certificate of title and upon the owner's duplicate.

The production of the owner's duplicate certificate, whenever any voluntary instrument is presented for registration, shall be conclusive authority from the registered owner to the Clerk or register of deeds to enter a new certificate or to make a memorandum of registration in accordance with such instrument, and a new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith; *PROVIDED, HOWEVER,* That in all cases of registration procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice, however, to the rights of any innocent holder for value of a certificate of title. In case of loss or theft of an owner's duplicate certificate, notice shall be sent by the owner, or by some one in his behalf, to the register of deeds of the province in which the land lies, as soon as the loss or theft is discovered.

ARTICLE 97. Each register of deeds shall keep an entry book in which he shall enter in the order of their reception all deeds and other instruments found to be complete and in proper form and fit for registration, and all writs or other process filed with him relating to registered land. He shall note in such book the year, month, day, hour and minute, of reception of all ins-

truments. They shall be regarded as registered from the time so noted, and the new certificate of title, in case of a transfer, or the memorandum on the certificate of title, in other cases, shall bear the date of entry in the entry book. Every deed or other instrument, whether voluntary or involuntary, so filed with the register of deeds, shall be numbered and indexed, and indorsed with a reference of the proper certificate of title. Any instrument found not to be complete and in proper form, or not fit for registration, shall be rejected by the register of deeds and returned to the person who presented it.

ARTICLE 98. Whenever the register of deeds is in doubt upon any question of law, or whenever any party in interest does not agree as to the proper action to be taken or memorandum to be made in pursuance of any deed, mortgage or other instrument presented for registration, the question shall be referred to the Land Court for decision, either on the certificate of the register of deeds stating the question upon which he is in doubt, or upon the petition in writing of any party in interest, and the Court, after notice to all parties and a hearing, which may be limited in its discretion to the presentation of written evidence and written arguments, shall resolve the question and shall, when necessary, enter an order prescribing the form of memorandum for the register of deeds to make registration in accordance therewith.

CONVEYANCE OF FEE.

ARTICLE 99. An owner desiring to convey in fee his registered land, or any portion thereof, shall execute a deed of conveyance, which the grantor or grantee shall present to the register of deeds in the province where the land lies. The grantor's duplicate certificate shall be presented at the same time. The register of deeds shall thereupon make out in the registration book in the form prescribed by the Superior Land Court a new certificate of title to the grantee, and shall prepare and deliver to him an owner's duplicate certificate. The register of deeds shall note upon the original and duplicate certificates, the date of transfer, the volume and page of the registration book where the new certificate is registered, and a reference by number to the last prior certificate. The grantor's duplicate certificate and the original certificate shall be stamped "canceled" and preserved by the register of deeds. The deed of conveyance shall be filed, indorsed with the number and place of registration of the corresponding certificate of title.

ARTICLE 100. When a deed in fee is for a part only of

the land described in a certificate of title, the register of deeds shall also enter a new certificate and issue an owner's duplicate to the grantor for the remaining unconveyed portion. In every such case, the new certificates shall include all the land described in the original certificate; *PROVIDED, HOWEVER,* That no new certificate to a grantee of a part only of the land shall be invalid by reason of the failure of the register of deeds to enter a new certificate to the grantor for the remaining unconveyed portion; *PROVIDED, FURTHER,* That in case, the land described in the certificate of title is subdivided into lots, designated by numbers or letters, expressing the measurements and bounds, and a plan of said land has been filed with the Clerk of the Court and approved by the Court, and it appearing from the register that the subdivision has been recorded with the original certificate of title, and that a copy of the plan has been filed with the register of deeds, when the registered owner makes the deed of transfer in fee of one or more of such lots, the register of deeds may, intead of canceling such certificate and entering a new certificate in favor of the grantor for the part of the land not included in the deed of transfer, enter on his original certificate and on the owner's duplicate certificate a memorandum of such deed of transfer, with a reference to the lot or lots thereby conveyed, as designated on the plan, and that the certificate is canceled as to such lot or lots; and every certificate with such memorandum shall be as effectual for the purpose of showing the grantor's title to the remainder of the land not conveyed as if the old certificate had been canceled, and a new certificate of such land had been entered.

ARTICLE 101. If, at the time of any transfer, there appear upon the registration book incumbrances or claims affecting the title, they shall be stated on the new certificate or certificates, unless then released or discharged.

MORTGAGES AND PACTOS DE RETRACTO O RETROVENTA.

ARTICLE 102. Registration of a mortgage or *pacto de retracto o retroventa* shall be made in the following manner: The owner's duplicate certificate shall be presented to the register of deeds with the mortgage deed, and he shall enter upon the original certificate of title, and also upon the owner's duplicate certificate, a memorandum of the purport of the mortgage deed or *pacto de retracto o retroventa,* the time of filing and the file number of the instrument, and shall sign the memorandum. The mortgage deed or *pacto de retracto o retroventa* shall be filed

and indorsed with the number and place of registration of the corresponding certificate of title.

The register of deeds shall also, at the request of the mortgagee or the owner of the *pacto de retracto o retroventa*, make out and deliver to him a duplicate of the certificate of title, like the owner's duplicate, except that the words "Mortgagee's duplicate" shall be stamped upon it in large letters diagonally across its face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the original certificate of title.

ARTICLE 103. Whenever a mortgage or *pacto de retracto o retroventa* upon which a motgagee's duplicate has been issued is assigned, extended, or otherwise dealt with, the mortgagee's duplicate shall be presented to the register of deeds with the instrument assigning, extending or otherwise dealing with it, and a memorandum of the instrument shall be made upon the mortgagee's duplicate certificate. When the mortgage or *pacto de retracto o retroventa* is discharged or otherwise extinguished, the mortgagee's duplicate certificate shall be surrendered and stamped "canceled". The production of the motgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented, subject, however, to all the provisions and exceptions contained in Article 96 of this Act, so far as the same are applicable.

A mortgage or *pacto de retracto o retroventa* on registered land may also be discharged by the mortgagee, or owner of the *pacto de retracto o retroventa*, in person, on the registration book, by signing an indorsement placed by the register of deeds upon the original certificate of title and upon the owners duplicate certificate, in the form of a memorandum, stating that the mortgage or *pacto de retracto o retroventa* has been satisfied and is discharged, together with the date of such entry, signed by the mortgagee or owner of the *pacto de retracto o retroventa* and such discharge shall be attested by the register of deeds, the mortagee's duplicate certificate being at the same time surrendered and stamped "canceled".

ARTICLE 104. Mortgages on registered land may be foreclosed in the same manner as those on non-registered land. A certified copy of the final decree of the court having jurisdiction, confirming the sale under foreclosure proceedings, shall be filed with the register of deeds, and the purchaser thereupon shall be entitled to the entry of a new certificate and to the issuance of a new owner's duplicate certificate, all outstanding duplicate certificates being delivered up and canceled.

ARTICLE 105. When the grantor of a *pacto de retracto o*

retroventa shall not exercise his right of repurchase within the period stated in the instrument, the grantee thereunder may apply to the register of deeds for a cancellation of grantor's certificate of title, and the issuance of a new certificate of title in the name of the grantee, and the grantee thereupon shall be entitled to the entry of a new certificate and to the issuance of a new owner's duplicate certificate, all outstanding duplicate certificates being delivered up and canceled.

REGISTRATION OF IMPROVEMENTS.

ARTICLE 106. The owner of buildings or other permanent improvements placed on registered land with the consent of the owner thereof may obtain registration in the following manner: The registered owner of the land shall file with the register of deeds an instrument in writing duly acknowledged, expressing his consent to the placing of such permanent improvements on the land registered in his name, and describing the permanent improvements placed, or to be placed, on the land with sufficient accurancy to permit of their ready indentification. He shall also present his duplicate certificate to the register of deeds. The register of deeds shall enter upon the original certificate of title and upon the owner's duplicate a memorandum of the purport or the instrument, the time of filing and the file number of the instrument, and shall sign the memorandum. The instrument shall be filed, indorsed with the number and place of registration of the corresponding certificate of title.

The register of deeds shall, also, at the request of the owner of the permanent improvements, make out and deliver to him a duplicate of the certificate of title, like the owner's duplicate, except that the words "Owner of improvements' duplicate", shall be stamped upon it in large letters diagonally across its face. A memorandum of the issue of such duplicate shall be made upon the original certificate of title.

LEASES.

ARTICLE 107. The provisions of Articles 102 and 103, relative to mortgages, shall apply to leases of registered land, so far as same are applicable.

ATTACHMENTS AND OTHER LIENS.

ARTICLE 108. Before an instrument of any description or any writ issued by any competent authority for the purpose of creating, preserving, reducing, discharging or dissolving any

lien, right or attachment, shall affect registered land, such instrument or writ, or a certified copy thereof, shall be filed and registered in the office of the register of deeds for the province in which the land lies, and shall contain a reference to the number of the certificate of title of the land to be affected and the volume and page in the registration book where the certificate is registered; and also, if the attachment, right or lien is not claimed on all the land covered by any certificate of title, a description sufficiently accurate for identification of the land intended to be affected.

ARTICLE 109. In every case where an attachment or other lien or adverse claim of any description is registered, and the duplicate certificate is not presented at the time of registration to the register of deeds, he shall, within twenty-four hours thereafter, send notice by mail to the registered owner stating that such paper has been registered, and requesting him to send or produce the duplicate certificate in order that a memorandum of the attachment or other lien, or adverse claim, shall be made thereon. If the owner neglects or refuses to comply within a reasonable time, the register of deeds shall report the fact to the Court, and the Court shall thereupon enter an order to the owner to produce his certificate at a time to be named therein, and may enforce the order by suitable process.

ARTICLE 110. The name and address of the plaintiff's lawyer shall in all cases be indorsed on the writ or process where an attachment is made, and he shall be deemed to be the attorney of the plaintiff until written notice that he has ceased to be such shall be filed for registration by the plaintiff.

ARTICLE 111. A lien of any description on registered land shall he enforced in the same manner as like liens upon unregistered land. Whenever registered land is sold on execution, or taken or sold for taxes, or to enforce a lien of like character, or for any cost and charges incident to such liens, the final instrument under which such land is taken or sold shall be filed with the register of deeds for the province where the land lies, and a memorandum made upon the certificate of title and all outstanding duplicate certificates.

ARTICLE 112. Upon the expiration of the time, if any, allowed by law for redemption after registered land has been sold on any execution, or taken or sold for the enforcement of any lien of any description, the person claiming under the execution or under any deed or other instrument made in the course of proceedings to levy such execution or enforce any

lien, may apply to the register of deeds for the entry of a new certificate to him; *PROVIDED, HOWEVER,* That every new certificate entered under this article shall contain a memorandum of the nature of the proceedings on which it is based; *PROVIDED, FURTHER,* That at any time prior to entry of a new certificate the registered owner may pursue all his lawful remedies to impeach or annul proceedings under executions or to remove liens of any description.

PENDING SUITS, JUDGMENTS, DECREES AND PARTITIONS.

ARTICLE 113. No action to recover possession of registered land, or to quiet the title thereto, or to remove clouds upon the title thereof, or for partition or other proceeding of any kind in court affecting the title to registered land or the use and occupation thereof, or the buildings thereon, and no judgment or decree, and no proceeding to vacate or reverse any judgment or decree, shall have any effect upon registered land as against persons other than the parties thereto, unless a copy of the complaint certified by the Clerk of the Court in which the action is instituted, containing also a reference to the number of the certificate of title to the land affected, shall be filed and a memorandum thereof entered on the back of the certificate of title and all outstanding duplicate certificates.

ARTICLE 114. At any time after final judgment or decree in favor of the defendant, or other disposition of the action such as to terminate finally all rights of the plaintiff in and to the land and buildings involved, in any case in which a memorandum has been registered as provided in the preceding article, a copy of the judgment, decree or order finally terminating the rights of the plaintiff, duly certified by the Clerk of the Court in which the action or proceeding was pending, stating the manner of disposal thereof, shall be registered by memorandum thereof on the back of the certificate of title and outstanding duplicates.

ARTICLE 115. When in any action to recover the possession or title of registered land, judgment is entered for the plaintiff, such judgment, which shall contain also a reference to the number of the certificate of title of the land affected, shall be registered on presentation of a copy thereof, duly certified by the Clerk of the Court where the action is pending to the register of deeds for the province where the land lies, who shall enter a memorandum upon the back of the certificate of title

and outstanding duplicate certificates. If the judgment does not apply to all the land described in the certificate of title, the judgment of the Court and the memorandum entered by the register of deeds shall contain a description of the land affected by the judgment.

ARTICLE 116. When in any action to recover the possession or title of registered land or an interest therein, execution has been issued directing the officer to place the plaintiff in possession of the land affected by the judgment on which the execution was issued, the officer shall cause an attested copy of the execution, with a return of his doings thereon, to be filed and registered within three months after the service, and before the return of the execution to the Court from which it issued; and the plaintiff, in case the judgment was that he was entitled to be the registered owner of the demanded registered land, or of any portion thereof, and for which execution issued, shall thereupon be entitled to the entry of a new certificate of title and to a cancellation of the original and duplicate certificate of the former registered owner.

ARTICLE 117. Every Court passing a judgment or decree in favor of the plaintiff affecting registered land, shall, upon application of the plaintiff, order any parties before it to execute for registration any deed or instrument necessary to give effect to its judgment or decree, and may require the registered owner to deliver his duplicate certificate to be canceled, or to have a memorandum entered upon it by the register of deeds. In case the person required to execute any deed or other instrument necessary to give effect to the judgment or decree is absent from the Dominican Republic, or is a minor or insane, or for any reason is not amenable to the process of the Court, or refuses to comply with the order of the Court, the Court passing the judgment or decree may appoint some suitable person a trustee to execute such instrument, and the same, when executed, shall be registered and shall have full force and effect to bind the land to be affected thereby.

ARTICLE 118. All proceedings for the partition of registered lands shall be instituted in the Land Court. In all such proceedings the provisions of Articles 88 and 89 shall be followed, so far as same are applicable. The provisions of Article 92 for the payment of the cost of survey by instalments shall not apply to partitions of registered land.

ARTICLE 119. When a certified copy of a judgment or decree, making final partition of registered land, is presented for

registration, if a mortgage, *pacto de retracto o retroventa* or lease affecting a specific portion or an undivided share of the premises had previously been registered, the mortgagee, owner under *pacto de retracto o retroventa*, or lessee claiming under the mortgagor, seller by *pacto de retracto o retroventa* or lessor, shall cause the mortgage, *pacto de retracto o retroventa*, or lease, and any duplicate certificate of title issued to the mortgagee or lessee to be again presented for registration, and the register of deeds shall indorse on each a memorandum of such partition with a description of the land set off in severalty on which such mortgage, *pacto de retracto o retroventa* or lease remains in force. Such mortgagee, owner under *pacto de retracto o retroventa* or lessee, shall not be entitled to receive his own duplicate certificate of title until such mortgage, *pacto de retracto o retroventa* or lease has been so presented for registration.

ARTICLE 120. Whenever proceedings in bankruptcy or insolvency are instituted against a debtor who is the owner of registered land, it shall be the duty of the officer serving notice of the institution of such proceedings on the debtor to file a copy thereof with the register of deeds for the province wherein land of the debtor lies, and, whenever such proceedings are voluntarily instituted by the debtor himself, it shall be the duty of the Secretary of the Court of Commerce pronouncing a provisional sentence of bankruptcy or insolvency against such debtor to file a certified copy of such sentence, immediately upon the rendition thereof with said register of deeds, who shall enter a memorandum thereof on the certificate of title and outstanding duplicates.

When, during the course of such proceedings, the sale of such registered land is determined upon, the *síndicos* shall execute a deed in favor of the person or persons to whom such registered land, or any portion thereof, has been sold or awarded, which deed shall bear the approval of the *Juez Comisario*, and be accompanied by an order of such *Juez Comisario* directing the execution of such deed. The grantee or grantees named in such deed shall thereupon be entitled to new certificate or certificate of title; *PROVIDED, HOWEVER*, That a new certificate of title entered in pursuance of such proceedings shall contain a reference to the order of the *Juez Comisario*, and shall be conclusive, as to the title, to the same extent as such order is conclusive by the laws applicable thereto, and *PROVIDED, ALSO*, That any person holding such certificate of title, or transfer thereof, shall have the right to petition the Land Court at any time to cancel the memorandum relating to such order, and the Court, after notice and hearing, may grant the application. Such certificate of title

shall thereafter be conclusive in the same manner and to the same extent as other certificates of title.

ARTICLE 121. Whenever proceedings of the character named in Article 120, of which notice has been registered, are vacated by decree or judgment, a certified copy of the decree or judgment shall be filed and registered.

PUBLIC UTILITY.

ARTICLE 122. Whenever any registered land, or any right or interest therein, is taken by expropriation for reason of public utility, the Dominican Republic, or any political subdivision thereof, or corporation, or other authority exercising such right, shall file for registration in the proper province a certified copy of the decree or order by virtue of which taken, which decree or order shall contain a description of the registered land so taken, giving the name of each owner thereof, referring by number and place of registration in the registration book to each certificate of title, and stating the amount and interest in the land so taken, and for what purposes. A memorandum of the right or interest taken shall be made on each certificate of title by the register of deeds, and where the fee simple is taken a new certificate shall be entered to the owner for the land remaining to him after such taking, and a new certificate shall be entered to the Dominican Republic, or political subdivision thereof, or to any corporation or other authority exercising such authority for the land so taken. All fees on account of any memorandum of registration or entry of new certificates shall be paid by the authority taking the land.

ARTICLE 123. Whenever an owner of registered land dies, the Court of First Instance for the province in which such land is situated shall have full jurisdiction to determine, in accordance with existing law, the rights of all parties, in respect to such registered land, claiming under the deceased owner. Upon the determination of such rights, said Court of First Instance shall enter a final order, judgment or decree, referring to the land by certificate number and specifying each person entitled to succeed to any portion of such land; and if there be more than one person, the proportion in which each such person is entitled to participate in a partition of the land. A certified copy of such final order, judgment or decree, shall be filed with the appropriate register of deeds, and shall be conclusive evidence in favor of all persons dealing with the land that the persons named therein are the only persons entitled to succeed to or participate in the partition of the land, whether as heirs or otherwise, and that

there are no liens against the land, other than those specified in the order, judgment or decree, or those previously registered.

ARTICLE 124. Upon receipt of any such order, judgment or decree, by a register of deeds, such officer shall, after entering a memorandum thereof on the original and duplicate certificates of title, transmit the same to the Land Court, which court may order the issuance of a certificate or certificates of title in accordance with the order, judgment, or decree of the Court of First Instance, or, if there be more than one person entitled to succeed thereunder, the Land Court may, upon the petition of any such person, after notice and hearing, direct the partition among the various persons specified in the order, judgment or decree, of the Court of First Instance in the proportions fixed, following the procedure laid down in Article 118 hereof; *PROVIDED*, That, if all parties entitled to participate in such partition shall submit a voluntary project of partition, the Court may direct the issuance of certificates of title in accordance with such voluntary project.

ASSURANCE FUND.

ARTICLE 125. There is hereby created a permanent fund to be known as the Land Registration Assurance Fund, of which the Treasurer shall be the custodian, and which shall derive its income and be administered as follows:

(a) Upon the original registration of land under this Act, the person in whose favor the certificate of title is registered shall pay to the register of deeds, for account of the Land Registration Assurance Fund, one-fifth of one per cent of the value of the property covered by such certificate of title. The value herein referred to shall be the value as shown by the preceding assessment for taxation under the Property Tax Law; *PROVIDED, HOWEVER*, That if for any reason there has been no such assessment, or if such assessment does not clearly specify the value of the particular property, in such cases the value for the purpose of the Land Registration Assurance Fund shall be determined by the Land Court, and by said Court certified to the register of deeds.

(b) The register of deeds shall pay all amounts received by him under the provisions of this Article to the Treasurer, and he shall deposit or remit such amounts at the time and in such manner as the Treasurer may by regulation prescribe.

(c) All moneys received by the Treasurer for account of the Land Registration Assurance Fund shall be deposited by him with a Designated Depositary for the Dominican Government; or, with the approval of the Executive Power, all or any

part thereof may be invested in such securities as may be readily convertible; all accretions and gains accruing from interest on deposits or earnings on investments shall pertain and be added to the principal of said fund.

(d) Whenever the total amount of the credit of the Land Registration Assurance Fund exceeds the sum of **one hundred thousand** dollars ($100,000), the Treasurer shall, at the end of each calendar year, transfer the amount in excess of **one hundred thousand** dollars ($100,000) from said fund to the general funds of the Public Treasury.

ARTICLE 126. The Land Registration Assurance Fund shall be available for the payment of awards or judgments rendered by the Land Court in satisfaction of losses sustained through the operation of the Land Registration Act, and such fund, or any part thereof, except the excess over **one hundred thousand dollars** ($100,000), shall not be applied to any purpose.

ARTICLE 127. Any person who, without negligence on his part, is deprived of any land or any estate or interest therein, either through the bringing of same under the provisions of this Act, or after the original registration of same, through fraud or in consequence of any negligence, omission, error, or misfeasance, and who by the provisions of this Act is barred or in any way precluded from bringing an action for the recovery of such land or interest therein, may bring an action in the Land Court, in the manner hereinafter provided, against the Treasurer, in his capacity as custodian of the Land Registration Assurance Fund, for the recovery of compensation to be paid out of said assurance fund; *PROVIDED*, That, no right under this Article shall accrue to persons deprived of land or interest therein by virtue of the provisions of Articles 66, 67, 69 or 84.

ARTICLE 128. The assurance fund shall not be liable to pay for any loss or damage or deprivation occasioned by a breach of trust by any person holding a power of attorney, or who occupies any similar position of trust in respect to any property registered under the provisions of this Act, or by the improper exercise of any mortgage foreclosure proceedings, nor shall any plaintiff recover from the assurance fund as compensation in an action under this Act more than the fair market value of the property at the time when he suffered the loss or deprivation thereof.

ARTICLE 129. All actions for compensations under this Act by reason of any loss or deprivation of land, or any estate or interest therein, shall be begun within the period of six years

from the time when the right to bring or take such action or proceeding first accrued, and not afterwards.

ARTICLE 130. If any such action be for recovery for loss due entirely to any fraud, misfeasance, negligence, omission or error of any public officer or employee in the performance of his duties, other than judicial, under the provisions of this Act, then the Treasurer shall be the sole defendant to such action; *PROVIDED, HOWEVER,* That the Court may, upon the petition of the Treasurer, in any case where fraud, wilful negligence or misfeasance of a public officer or employee is involved, order the joinder as defendant of such officer or employee. But if such action be brought for the recovery of loss arising only through the fraud, negligence, omission, error or misfeasance of some person or persons other than a public officer or employee, or arising jointly through the fraud, negligence, omission, error or misfeasance of such other person or persons and a public officer or employee, then such action shall be brought against both the Treasurer and such person or persons aforesaid. In all such actions where there are defendants other than the Treasurer, and damages shall have been awarded, no final judgment shall be entered against the Treasurer until execution against the other defendants shall be returned unsatisfied in whole or in part, and the officer returning the execution shall certify that the amount still due upon the execution cannot be collected. Thereupon the Court, being satisfied as to the truth of such return, shall order the amount of the award and costs, or so much thereof as remains unpaid, to be paid the Treasurer out of the assurance fund.

ARTICLE 131. In every case in which the Land Court renders a judgment against the Treasurer in an action brought under the provisions of this Act, the Clerk of the Land Court shall certify to the Treasurer the amount of the award to be paid from the assurance fund, and said certificate of the Clerk shall constitute the voucher upon which the Treasurer shall make payment.

ARTICLE 132. It shall be the duty of the Fiscal of the Land Court to appear and defend all actions brought against the Treasurer under the provisions of this Act; *PROVIDED,* That, whenever necessary, the Secretary of Justice, on request of the Treasurer, may appoint other or additional counsel to defend such actions.

ARTICLE 133. Nothing in this Act shall be construed to deprive a plaintiff of any right of action which he may have

against any person for loss or deprivation of land, or of any estate or interest therein, without joining the Treasurer as a defendant therein.

ARTICLE 134. If the assurance fund at any time be not sufficient to meet the amount of a judgment rendered by the Land Court, the deficit shall be made up from any funds in the National Treasury not otherwise appropriated; and in such cases any sums thereafter received by the Treasurer for account of the assurance fund shall be transferred to the general fund of the National Treasury until the amount paid on account of the deficiency shall have been made up.

ARTICLE 135. In every case where a payment has been made by the Treasurer from the Land Registration Assurance Fund, in accordance with the provisions of this Act, on account of any fraud, wilful, negligence or misfeasance of any public officer or employee, the Government of the Dominican Republic shall be subrogated to all rights of the plaintiff against such offending officer or employee, and to that end may attach the goods and chattels, moneys and effects, lands and property of every kind of the offending officer or employee, and shall have any and all remedies which a private creditor might have, in addition to that of penal prosecution for any crime committed. All amounts recovered in such actions shall be paid to the Treasurer and by him credited to the account of the Land Registration Assurance Fund. The Secretary of Justice, upon request of the Treasurer, shall cause appropriate action to be brought in every such case in the court having jurisdiction.

POWERS OF ATTORNEY.

ARTICLE 136. Any person may be represented in conveying or otherwise dealing with registered land, by an attorney in fact, but the power of attorney shall be acknowledged before a notary public or a judge or clerk of any court or an *alcalde*, attested by at least one witness, and shall be filed with the register of deeds of the province where the land lies, and a memorandum thereof entered on the certificate of title and on all outstanding duplicate certificates. Any instrument revoking such power shall be acknowledged, attested and registered in like manner. Powers of attorney and instruments revoking same may be executed without the Dominican Republic before any officer having a seal authorized to take acknowledgments in the jurisdiction where such instrument shall be executed; but such instruments shall not be recognized as valid for the purposes of this Act unless the official character of the officer taking the acknowledgment there-

of shall be certified to by a diplomatic or consular representative of the Dominican Republic, or by some official authorized to so certify by the law of such jurisdiction, whose official character is in turn certified to by such diplomatic or consular representative.

LOST DUPLICATE CERTIFICATE.

ARTICLE 137. If a duplicate certificate of title is lost or destroyed, or cannot be produced by the lawful owner thereof or by a grantee, heir devisee, assignee, or other person applying for the entry of a new certificate to him, or for the registration of any instrument, a notice of such loss or destruction may be filed with the appropiate register of deeds by the registered owner or other person in interest and registered. The Court may thereupon, upon the petition of the registered owner or other person in interest, direct the issue of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in the place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as the original duplicate for all purposes of this Act.

PRODUCTION OF DUPLICATE CERTIFICATE.

ARTICLE 138. In every case where any register of deeds is requested to enter a new certificate in pursuance of an instrument purporting to be executed by the registered owner, or by reason of any instrument or proceeding which divests the registered owner of the title against his consent, if the outstanding owner's duplicate certificate is not presented for cancellation when such request is made, the register of deeds shall not enter a new certificate, but the person claiming to be entitled thereto may apply by petition to the Court. The Court, after hearing, may order the registered owner, or the person withholding the duplicate, to surrender the same, and direct the entry of a new certificate upon such surrender.

If in any case the person withholding the duplicate certificate is not amenable to the process of the Court, or if for any reason the outstanding owner's duplicate certificate can not be delivered up, the Court may, by decree, annul the same, and order a new certificate of title to be entered. Such new certificate, and all duplicates thereof, shall contain a memorandum of the annulment of the outstanding duplicate.

If in any case an outstanding mortgagee's, lessee's or owner

of improvement's duplicate certificate is not produced or surrendered when a mortgage or lease is transferred or otherwise dealt with, or the title to permanent improvements is affected, like proceedings may be had.

AMENDMENT AND ALTERATION OF CERTIFICATION OF TITLE.

ARTICLE 139. No erasure or alteration shall be made in the registration book, on a certificate of title or any memorandum thereon, after the entry thereof by the register of deeds, except that amendments may be made by order of the Court. Any registered owner or other person in interest, including registers of deeds, may at any time apply by petition to the Court for amendment of the certificate of title, upon the ground that registered interests of any description, whether vested, contingent, expectant or inchoate, have terminated and ceased; or that new interests have arisen or been created which do not appear upon the certificate; or that any error, omission or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married; or if registered as married, that the marriage has been terminated; or upon any other reasonable ground; and the Court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper; *PROVIDED, HOWEVER,* That this article shall not be construed to give the Court authority to open the original decree of registration, and that nothing shall be done or ordered by the Court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs and assigns, without his or their written consent.

Any petition filed under this article, and all petitions and motions filed under the provisions of this Act after original registration, shall be filed in the original case in which the decree of registration was entered.

FEES FOR REGISTRATION.

ARTICLE 140. No fees or charges, other than for the costs of surveys as provided for in Article 91, and the assessment for the Land Registration Assurance Fund as provided for in Article 125 hereof, shall be collected in registration proceedings brought

under the provisions of this Act up to and including the registration of the original certificate of title.

(a)—After registration of the original certificate of title, the following charges shall be collected by the register of deeds:

1. For the issuance of a new certificate of title, consisting of one original and one duplicate, **one dollar.**

2. For the issuance of each additional duplicate certificate, **fifty cents.**

3. For registration of a lease, or of a mortgage or other instrument creating an incumbrance, **one dollar.**

4. For the registration of the transfer, cancellation, release or discharge of a lease, or of a mortgage or other instrument under which an incumbrance was created, **fifty cents.**

5. For the registration of a change of address, or a notice of death, bankruptcy, insolvency or analogous proceedings, **twenty-five cents.**

6. For the issuance of each certified copy of any registered document or notice, other than a decree of the Land Court, **one dollar.**

(b)—The following charges shall be collected by the Clerk of the Land Court:

1. For the issuance of each certified copy of any decree of the Land Court, **one dollar.**

2. For each petition of any nature filed with the Land Court affecting registered land after the original registration thereof, **three dollars.**

(c)—None of the foregoing charges shall be collected when the services rendered are exclusively for the benefit of the Dominican Government.

(d)—The charges herein provided for shall be paid in cash by the person requiring the service to the register of deeds or to the Clerk of the Land Court, as the case may be.

(e)—The register of deeds and the Clerk of the Land Court shall issue an official receipt upon the form provided for the purpose by the Auditor for each amount collected under the provisions of this Article, and shall make deposits and remittances of such funds and render accounts thereof within the periods and in the manner prescribed by the Auditor.

(f)—All moneys collected under the provisions of this Article, when received by the Treasurer, shall be credited to the account of the Land Registration Assurance Fund provided for in Article 125 of this Act.

SYSTEM OF RECORDING TRANSACTIONS IN LAND PRIOR TO REGISTRATION.

ARTICLE 141. *From the date of the promulgation of this* Act, and until the registration of any parcel of land is completed in accordance with the provisions of this Act, records of transactions relating to such parcels of land shall be transcribed in the manner provided in the *Ley sobre Registro y Conservación de Hipotecas,* except as such law is hereinafter modified. The duty of recording such transactions shall be performed in the several provinces by the registers of deeds provided for by this Act, after such registers of deeds have been appointed; *PROVIDED, HOWEVER,* That the originals of deeds, mortgages, leases, and other instruments of title, which may be hereafter executed affecting the title to unregistered land, shall not be retained by notaries or other officials before whom the same are solemnized, but after having been executed shall be delivered to the grantee, mortgagee, lessee, or other person entitled to the same, and be by him presented to the register of deeds or the *Conservador de Hipotecas,* as the case may be, for the province where the land lies, for recording in the manner and in the books provided for in the *Ley sobre Registro y Conservación de Hipotecas.* The registers of deeds or the *Conservadores de Hipotecas,* upon receiving any such deed, mortgage, lease, or other instrument dealing with land not registered under this Act, shall indorse upon the instrument so received the true date, hour and minute when the same is received, and the same shall be deemed to have been recorded as unregistered land from the time of the indorsement of such memorandum thereon. They shall also indorse thereon the volume and page wherein the same is transcribed. After such instrument shall have been transcribed, the owner thereof shall be entitled to the custody and possession of the same. The original instrument, the record thereof, and any certified copy of such record, shall be competent evidence in any court of justice as to the transactions appearing therein; but no such instrument shall afford any presumption sufficient to bind the Land Court in any way at the time of the registration of the land under the provisions of this Act that the title or interest shown as conveyed was in reality vested in the grantor. The fees or other charges for the recording of such instruments shall be the same as now charged for transcription, and shall be paid and accounted for in the manner provided for in Article 140 hereof; *PROVIDED, HOWEVER,* That pending the appointment of registers of deeds, *Conservadores de Hipotecas* shall receive as their compensation the fees now provided for in the *Ley sobre Registro y Conservación de Hipotecas.*

No instrument relating to transactions in land hereafter executed under private signature shall be transcribed nor shall any such instrument hereafter executed have any legal force, except as evidence of contract between parties thereto.

FORMS.

ARTICLE 142. Deeds, conveyances, *pactos de retracto o retroventa,* mortgages, leases, releases, and discharges affecting lands, whether registered under this Act or unregistered, shall be sufficient in law when made substantially in accordance with the forms following Article 143, and shall be as effective to convey, encumber, lease, release, discharge or bind the lands as though made in accordance with the forms now in use; *PROVIDED,* That every such instrument shall be signed by the person executing the same, in the presence of two witnesses who shall sign the instrument as witnesses to the execution thereof, and shall be acknowledged in accordance with form No. 1 to be his free act and deed by the person executing the same before any officer authorized by the laws of the Dominican Republic to take acknowledgments, which officer shall certify to such acknowledgment; *PROVIDED, HOWEVER,* That in cases where any person executing any such instrument is unable to sign his name, he shall make his mark, in the presence of two witnesses, to such instrument, which mark, when duly made and witnessed, shall have the same legal force as a written signature; *PROVIDED, FURTHER,* That in all transactions and in all instruments relating to registered land, the metric system of measurement shall be used.

ARTICLE 143. Acknowledgments of persons executing deeds of conveyance, lease, release, mortgage or discharge of mortgage, or other instruments affecting land, and affidavits to be used before the Land Court or any justice or judge thereof, may be made or taken before any judge, alcalde, or any Notary Public in the Dominican Republic; *PROVIDED,* That any such acknowledgments or affidavits made or taken without the Dominican Republic may be made or taken before any officer having a seal authorized to take acknowledgments or administer oaths in the country or jurisdiction where such acknowledgments or affidavits are made, but shall not be recognized as valid in the Dominican Republic for the purposes of this Act unless the official character of the officer taking or administering the same shall be certified to by a diplomatic or consular representative of the Dominican Republic, or by some official authorized to so certify by the law of such jurisdiction, whose official character is in turn certified to by such diplomatic or consular representative.

1. (a) Form of acknowledgment by an individual executing deed of conveyance, lease, release, or discharge affecting land:

Dominican Republic.
Province of ————————

In the commune of ————, in said province, on this —— day of————, A. D. 19——, personally appeared———— ————, known to me to be the same person (or persons) who executed the foregoing instrument, and acknowledged that the same is his (or their) free act and deed.

Before me:

————————————————

(Notary Public or other official, as the case may be.)

(b) Form of acknowledgment by person conveying by power of attorney:

Dominican Republic.
Province of ————————

In the commune of ————, in said province, on this ——— day of ———, A. D. 19———, personally appeared ————, known to me to be the person described and appointed attorney in fact in and by a certain power of attorney executed by ————————bearing date the ———day of——— 19——, and recorded in the office of the register of deeds of the province of ————on the ——— day of————19—— (or to be recorded in the office of the register of deeds, Province of ———, simultaneously with the within instrument), and acknowledged to me that he executed the within instrument as the act of the said————.

Before me:

————————————————

(Signature and title of officer.)

(c) Form of acknowledgment by a corporation or stock company.

Dominican Republic.
Province of ————————

In the commune of ————, in said province, on this ————day of——, A. D., 19——, personally appeared ————, to me known, who, by me being duly sworn, did depose and say, that he resides in ————————; that he is the (President or other officer) of the (name of corporation or stock company), the corporation or stock company described in and which executed the above instrument; that he knows the seal of said corporation or stock company; that the seal affixed to such instrument is such seal; that it was so affixed by order

of the board of directors or stockholders of said corporation or stock company, and that he signed his name by like order.

Before me:

(Signature and title of officer.)

(If such corporation or stock company have no seal, that fact must be stated in place of the statement required respecting the seal.)

(d) Form of acknowledgment by a managing partner in behalf of a co-partnership or a *compañía en comandita.*

Dominican Republic.
Province of————

In the commune of ————————, in said province, on this ————, day of ————, A. D., 19——, personally appeared ————————, to me known, who, by me being duly sworn, did depose and say that he resides in————————; that he is the managing partner of the co-partnership or *compañía en comandita* described in and which executed the above instrument, and he acknowledged that he executed the same as the act and deed of the said co-partnership or *compañía en comandita,* for the uses and purposes therein mentioned.

Before me:

(Signature and title of officer.)

2. Deed of land registered under this Act:

I, ————————, of ————————, in the province of ————————, in the Dominican Republic, in consideration of ————————dollars, to me paid by ———— ————, of ————————, in the province of ————————, in the Dominican Republic, do hereby sell and convey to said ————————, and his heirs and assigns, that parcel of land, together with all the buildings and improvements thereon situated in the commune of ————, and province of ———— ————, in the Dominican Republic, bounded and described as follows: (here insert boundaries and description), of which land I am the registered owner in accordance with the provisions of the Land Registration Act, my title thereto being evidenced by certificate No. —— in the land records of said province.

In witness whereof, I have hereunto signed my name on this ———— day of ————, A. D. 19——.

Signed in the presence of:

(To be followed by acknowledgment according to form 1.)

3. Deed of land not registered under this Act, without covenants of warranty:

I, ——— ———, of ———, in the province of ———, in the Dominican Republic, in consideration of ——— dollars, to me paid by ———, of ———, in the province of ———, in the Dominican Republic, do hereby sell and convey to the said——— ———, his heirs and assigns, that parcel of land, together with all the buildings and improvements thereon, situated in the commune of ———, in the province of ———, in the Dominican Republic, bounded and described as follows: (here insert boundaries and description).

In witness whereof, I have hereunto signed my name on this ——— day of ———, A. D. 19——.

Signed in the presence of:

———

———

(Acknowledgment)

4. Deed of land not registered under this Act, with covenants of warranty:

I, ———, of ———, in the province of ———, in the Dominican Republic, in consideration of ———dollars, to me paid by ——— ———, of ———, in the province of ——— in the Dominican Republic, do hereby sell and convey to said ———, his heirs and assigns, that parcel of land, together with all the buildings and improvements thereon, situated in the commune of ———, in the province of———, in the Dominican Republic, bounded and described as follows: (here insert boundaries and description); and the said ——— ——— (seller) does hereby covenant and agree with the said ——— (purchaser) that he is lawfully seized in fee of said premises, that they are free from all incumbrances, that he has a perfect right to convey the same, and that he will warrant and forever defend the same unto the said——— (purchaser), his heirs and assigns, against the lawful claims of all persons whomsoever (insert here other covenants, whatever they may be).

In witness whereof, I have hereunto signed my name on this ——— day of ———, A. D. 19——.

Signed in the presence of:

———

———

———

(Acknowledgment)

5. Mortgage of land registered under this Act:

I, ————————, of ————————, in the province of ————————, in the Dominican Republic, in consideration of ————————dollars, to me paid by ———————— of ————————, in the province of ————————, in the Dominican Republic, do hereby, by way of mortgage, convey to said ————————, his heirs and assigns, that parcel of land, together with all the buildings and improvements thereon, situated in the commune of ————————, in the province of ————————, in the Dominican Republic, bounded and described as follows: (here insert boundaries and description) of which land I am the registered owner in accordance with the provisions of the Land Registration Act, my title thereto being evidenced by Certificate No. ———————— in the land records of said province; *PROVIDED, NEVERTHELESS*, that if I, the said ———————— (mortgagor), shall duly pay, or cause to be paid, to the said———————— (mortgagee) my certain promissory notes of this date by me signed and payable to the said ———————— (mortgagee), all dated on this date, each for the sum of ———————— dollars, and payable in one, two and three years from date (or otherwise, as the case may be), with lawful interest, then this mortgage shall be thereby discharged and of no further effect; otherwise it shall remain in full force and be enforceable in the manner provided by law.

In witness whereof, I have hereunto signed my name on this ———————— day of ————————, A. D. 19——.

Signed in the presence of:

————————————

————————————

————————————

(Acknowledgment)

6. Mortgage of land not registered under this Act:

This mortgage may be in the same form as that prescribed in Form 5, but omitting the portion of Form 5 which describes the land as registered under the Land Registration Act, and including such covenantes of warranty as the parties may agree upon.

7. *Pacto de retracto o retroventa* of land registered under this Act:

I, ————————, of ————————, in the province of ————————, in the Dominican Republic, in consideration of ———————— dollars, to me paid by ————————, of ———— ————, in the province of ————————, in the Dominican Re-

public, do hereby sell and convey with right of repurchase (*con cláusula de retracto*) to said ———— and his heirs and assigns, that parcel of land, together with all buildings and improvements thereon, situated in the commune of ———— ————, in the province of ————, in the Dominican Republic, bounded and described as follows: (here insert boundaries and description), of which land I am the registered owner in accordance with the provisions of the Land Registration Act, my title thereto being evidenced by Certificate No.—— in the land records of said province.

I hereby reserve, during the time of————, the power to re-acquire the parcel together with all buildings and improvements thereon hereby sold. Wherefor, I reserve the right upon the re-embursement of said ———— dollars in one single payment, on or before the expiration of said period of————, to reenter into title and possession of the aforesaid property. Upon my failure to exercise said right of repurchase within the time above expressed, the above-named purchaser shall become the absolute owner of said property, without the necessity of any further act.

(Other special agreements may be here inserted.)

In witness whereof, I have hereunto signed my name on this ———— day of ————, A. D. 19——.

Signed in the presence of:

————————————

————————————

————————————

(Acknowledgment)

8. *Pacto de retracto o retroventa* of land not registered under this Act:

This instrument may be in the same form as that prescribed in Form No. 7, but omitting that portion which describes the land as registered under the Land Registration Act.

9. Discharge of mortgage of land registered under this Act:

I, ————————, of ————————, in the province of ————————, in the Dominican Republic, mortgagee of the land embraced in Certificate No. ————, in the land records of the province of ————————, by virtue of a mortgage executed by ————————, of ————————, in the province of ————————, in the Dominican Republic, on the ———— day of ————, 19——, having received the full consideration named as the condition of said mortgage, do hereby forever release and discharge the same.

In witness whereof, I have hereunto signed my name on this ——— day of ———, A. D. 19——.

Signed in the presence of:

———————————

———————————

———————————

(Acknowledgment)

10. Discharge of mortgage of land not registered under this Act:

The discharge in this case may be as in Form No. 9, varying the description of the mortgage to suit the facts.

11. Reconveyance of registered land sold under *pacto de retracto o retroventa*.

I, ———————, of ———————, in the province of ———————, in the Dominican Republic, do hereby certify that a certain *pacto de retracto o retroventa* covering the land covered by Certificate No. —— in the land records of the province of ———, has been paid, the grantor having exercised his right of repurchase.

Wherefore, I, the grantee, do hereby sell and reconvey unto said grantor and his heirs and assigns the said parcel of land, together with all buildings and improvements thereon.

In witness whereof, I have hereunto signed my name on this ——— day of ———, A. D. 19——.

Signed in the presence of:

———————————

———————————

———————————

(Acknowledgment)

12. Reconveyance of land not registered under this Act, sold under *pacto de retracto o retroventa*:

The reconveyance in this case may be as in Form No. 11, varying the description to suit the facts.

15. Lease of land registered under this Act:

I, ———————, of ———————, in the province of ———————, in the Dominican Republic, in consideration of the agreements hereinafter contained, do hereby lease unto ———————, of ———————, in the province of ———————, in the Dominican Republic, and his assigns (if the lease is to be assignable), that parcel of land, together with all the buildings and improvements thereon, situated in the commune of ———————, in the province of ———————, in the Dominican Republic, bounded

and described as follows: (here insert boundaries and description), of which land I am the registered owner, in accordance with the provisions of the Land Registration Act, my title thereto being evidenced by Certificate No. —— in the land records of said province, for the period of——— years from this date.

And I, the said lessee, in consideration of this lease, do hereby promise, for myself and my heirs and assigns, that I will cause to be paid to said ———————— (lessor) an annual rental (or monthly rental) of ———————— dollars per year (or per month, as the case may be) during the whole period of this lease, payable on the ————————, day of ————, each year (or at such other times as may be agreed upon).

(Other special agreements of the lease may be here inserted.)

In witness whereof, we have hereunto signed our names on this ——— day of ———, A. D. 19——.

———————————— (lessor)
———————————— (lessee)

Signed in the presence of:

————————————

————————————

————————————

(Acknowledgment)

14. Lease of land not registered under this Act:

This lease may be as in Form No. 13, omitting that portion thereof that relates to the cerificate of title, and inserting such covenants of warranty as may se agreed upon.

15. Release of leased lands, whether registered under this Act or not:

Such release may be as in Forms Nos. 9 and 10 for the discharge of mortgages using the term "release" instead of "discharge", and inserting such description as fully identifies the lease.

ACT, HOW CONSTRUED.

ARTICLE 144. This Act shall be construed liberally so far as may be necessary for the purpose of effecting its general intent.

Nothing contained in this Act shall in any way be construed to relieve land, or the owners thereof, from any obligations incident to the relation of husband and wife, or from liability to attachment or levy on execution, or from liability to any lien of any description established by law; or to change the laws of descent; or to affect the right to take land by expropriation for

reasons of public utility; or to relieve land from liability to be appropriated in any lawful manner for the payment of debts; or to change or affect in any way any other rights or liabilities created by law, except as otherwise expressly provided in this Act.

ARTICLE 145. Upon the commencement of any cadastral survey, in accordance with Article 54, jurisdiction of all cases pending in the other Dominican Courts which affect title to or possession of any land included within the limits of such cadastral survey shall **ipso facto** pass to the Land Court, and the Secretary of any Court in which any such action is then pending shall at once forward the record in such case, together with all exhibits and other evidence pertaining thereto to the Clerk of the Land Court to be by him transmitted to the justice or judge assigned to the trial of such cadastral case, to be considered and decided by him in connection with the other matters arising therein.

ARTICLE 146. The Law of April 21, 1911, entitled *"Ley sobre Division de Terrenos Comuneros"* (Off. Gaz. 2187), is hereby repealed, and all pending proceedings for the division of such lands thereunder are hereby abrogated. All notaries and other public functionaries with whom titles have been deposited pursuant to any judgment or order issued in any proceedings instituted under said *"Ley sobre División de Terrenos Comuneros"* shall immediately, without any further order, deposit such titles as provided in Article 40 hereof.

The Law or June 1st, 1912, (Off. Gaz. 2301), and all amendments thereto or extensions thereof providing for the inscription of titles to real property, are hereby repealed.

None of the provisions of the Law of May 20, 1885, (Off. Gaz. 2184) entitled "A Law Providing for the Registration of Judicial and Extrajudicial Instruments", shall apply to instruments affecting real property registered under the provisions of this Act, nor to any judicial decisions, orders or decrees of any Courts provided for herein.

All laws, or parts of laws, in conflict with any of the provisions of this Act are also repealed.

THOMAS SNOWDEN,
Rear-Admiral, U. S. Navy,
Military Governor of Santo Domingo.

Santo Domingo, R. D.,
July 1st, 1920.