

ALBANY LOT 184 (VALIDATION OF TITLE).

5° Elizabeth II., No. V.

No. 5 of 1956.

AN ACT to Validate the Sale for Non-payment of Rates of Albany Lot 184 by the Municipality of Albany to Robert Muir as evidenced by Certificate of Sale dated the twenty-eighth day of January, 1874, registered in the Office of the Registrar of Deeds in Book VII. No. 1376, and to Remove any Doubts as to the Nature or Interest Purchased by the said Robert Muir in that Lot at the Sale.

[*Assented to 3rd October, 1956.*]

WHEREAS from the records of the Department of Lands it appears that the land known as Albany Lot 184 was purchased from the Crown by one A. B. Bain on the fifteenth day of November, 1854; and whereas a certificate dated the twenty-eighth day of January, 1874, of the sale of that lot for non-payment of rates purporting to be under and by

virtue of the provisions of The Municipal Institutions' Act, 1871, as then in force, was given to one Robert Muir by Sir Thomas Cockburn Campbell, then Chairman for the time being of the Municipality of Albany; and whereas that certificate was registered in the Office of the Registrar of Deeds in Book VII., No. 1376, in accordance with the provisions as then in force of section fifty-four of that Act; and whereas that lot has, since the sale referred to, been continuously used, possessed and held as of an estate in fee simple by the said Robert Muir and his successors in title; and whereas, there being no record of a Crown grant having been issued in respect of the lot, some doubt exists as to the validity of the sale by the Municipality of Albany and as to the nature of the estate or interest which was purchased by Robert Muir in that lot at the sale; and whereas the successors in title of Robert Muir are desirous of perfecting their title thereto: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Albany Lot 184* Short title.
(Validation of Title) Act, 1956.

2. For the purpose of resolving any doubts that may exist as to the validity of the sale of the land known as Albany Lot 184 by the Municipality of Albany to Robert Muir as is evidenced by the certificate of sale dated the twenty-eighth day of January, 1874, registered in the Office of the Registrar of Deeds, in Book VII., No. 1376, and as to the nature of the estate or interest purchased in that lot by Robert Muir at the sale, that sale shall be regarded for all purposes

Validation of
title of
Robert Muir
as owner in
fee simple
of Albany
Lot 184.

as a valid sale to the said Robert Muir of an estate in fee simple in the said lot freed and discharged from all claims and encumbrances

No. 5.] *Albany Lot 184 (Validation of Title)*. [1956.

as against him as purchaser subject to the exceptions, if any, mentioned in the certificate of sale referred to,

as though the land had been validly alienated from the Crown prior to that sale and a Crown grant in respect thereof had been lawfully issued to the grantee subject expressly to the reservation to the Crown of all mines of gold, silver, and other precious metals in or under the land, with full liberty to the Crown and to any person or persons authorised by, or acting on behalf of, the Crown at all times to search and dig for, and carry away the same, and for that purpose to enter upon the land or any part thereof.
