

TRANSFER OF LAND.

10° GEO. VI., No. VI.

No. 6 of 1946.

AN ACT to amend section one hundred and twenty-six of the Transfer of Land Act, 1893-1944.

[Assented to 13th November, 1946.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 *Transfer of Land Act Amendment Act, 1946*, and shall be read as one with the Transfer of Land Act, 1893-1944 (56 Victoria No. 14 as amended by the Acts 60 Victoria No. 22, 2 Edward VII. No. 10, No. 54 of 1909, No. 26 of 1911, No. 32 of 1917, No. 30 of 1920, No. 31 of 1920, No. 5 of 1925, No. 14 of 1929, No. 42 of 1929, No. 23 of 1939 and No. 28 of 1944), hereinafter referred to as the principal Act. Short title.

Amendment of
s. 126 of the
principal Act.

2. Section one hundred and twenty-six of the principal Act is amended—

(a) by inserting at the end of the existing section the following:—

“For the purposes of this subsection the words ‘mortgage money’ shall include any outstanding balance of the principal moneys secured.”

(b) by inserting a new subsection as follows:—

(2) If it be proved to the satisfaction of the Commissioner that the whole of the moneys payable under a mortgage, whether as principal or interest, have been paid and that the mortgagee or his transferee is dead or absent from Western Australia or cannot be found and there is no person empowered or authorised to discharge the mortgage on his behalf the Commissioner may direct the Registrar to make an entry in the register book discharging the land from such mortgage stating the time at which such entry was made and such entry shall be a valid discharge from such mortgage and the Registrar shall make a corresponding entry on the duplicate grant or Certificate of Title when produced to him for that purpose.

Citation of
principal Act
as amended.

3. The principal Act as amended by this Act may be cited as the Transfer of Land Act, 1893-1946.