

ST. GEORGE'S COURT.

26° GEO. V., No. XXV.

No. 25 of 1935.

AN ACT to divest certain lands from the registered proprietors thereof and to make provision for vesting the same in the City of Perth for the purpose of a street and public highway, and for other purposes incidental thereto.

[Assented to 23rd December, 1935.]

Preamble.

WHEREAS certain pieces of land situate between St. George's terrace and the Esplanade, Perth, and commonly known as St. George's court are, and for many years past have been, by virtue of certain easements and by public use a way and thoroughfare habitually used by public pedestrians: And whereas certain owners of land adjoining the said way and thoroughfare propose that the said way and thoroughfare shall be widened and become a street and public highway vested in and under the control of the City of Perth, and for such purpose are willing to surrender or be divested of so much of their own land as may be necessary for widening the said way and thoroughfare as aforesaid, and the City of Perth is in accord with such owners in such proposal: And whereas it is deemed desirable and expedient to give effect to the said proposal: Be it therefore 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 *St. George's Court Act, 1935*, and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. The following lands are hereby revested in His Majesty the King as of his former estate and freed from all easements and other encumbrances, that is to say:— Certain lands revested in His Majesty.

- (a) All that piece of land now registered in the name of The Colonial Mutual Life Assurance Society, Limited, as the proprietor thereof, being portion of Perth town lot L4 and portion of the land the subject of diagram 7686 and being portion of the land comprised in Certificate of Title volume 973, folio 104, and which is more particularly described in Part I. of the First Schedule to this Act, and delineated, defined, identified and included in the portions coloured blue and numbered "3" respectively in the plan in the Fourth Schedule to this Act;
- (b) All that piece of land now registered in the name of The Colonial Mutual Life Assurance Society, Limited, as the proprietor thereof, being portion of Perth town lot L4 and being portion of the land comprised in Certificate of Title volume 987, folio 119, which is more particularly described in Part II. of the First Schedule to this Act and delineated, defined, identified, and included in the portions coloured blue and numbered "3" respectively in the plan in the Fourth Schedule to this Act;
- (c) All that piece of land, now registered in the name of Atlas Assurance Company, Limited, as the proprietor thereof, being portion of Perth town lot L4 and portion of the land comprised in Certificate of Title volume 1020, folio 585, and which is more particularly described in the Second Schedule to this Act, and delineated, defined, and identified as the portion coloured yellow in the plan in the Fourth Schedule to this Act; and

- (d) All that piece of land, being land not under or subject to the provisions of the Transfer of Land Act, 1893, being portion of Perth town lot L4, and being portion of the land comprised in a conveyance dated the fifth day of November, one thousand eight hundred and thirty-eight, registered in the Registry of Deeds at Perth and numbered 688 in Memorial Book 1, whereby it appears that Francis Fraser Armstrong, since deceased, is the owner of the said piece of land, which is more particularly described in the Third Schedule to this Act, and delineated, defined, and identified as the portion coloured green in the plan in the Fourth Schedule to this Act.

Governor may declare lands re-vested a street and public highway, and the same shall vest in the city of Perth.

3. On the Governor being satisfied that The Colonial Mutual Life Assurance Society, Limited, and the City of Perth have entered into an agreement satisfactory to the Governor regarding the construction in the first instance by The Colonial Mutual Life Assurance Society, Limited, of a street on and along the said lands hereby re-vested in His Majesty, and the taking over, control, and maintenance by the City of Perth of such street when constructed as aforesaid, it shall be lawful for the Governor by notice in the *Government Gazette* to declare the lands hereby re-vested in His Majesty to be a street and public highway, and thereupon, notwithstanding anything to the contrary contained in section two hundred and twenty-four of the Municipal Corporations Act, 1906, or in any other Act, the same shall vest in the City of Perth in the same manner as if it were a street and public highway declared and dedicated under sections two hundred and twenty-one and two hundred and twenty-two of the said Municipal Corporations Act, 1906, and complied in all respects with the requirements of section two hundred and twenty-four of the said Act, subject, however, to the express terms of such agreement aforesaid.

Name of street.

4. When the street and public highway has been declared by the Governor in accordance with section three of this Act, it shall be named and known as "St. George's court," or by such other name as the City of Perth may recommend and the Governor approve.

5. (1.) As and when the lands mentioned in section two of this Act are revested in His Majesty, and thereafter in accordance with section three of this Act, the same are declared to be a street and public highway, the Registrar of Titles, the Registrar of Deeds, the Under Secretary for Lands, or other person, as the case may be, having the custody or control of any register or public record relating to the said lands, is hereby authorised to make, and shall make, in the registers or records in his custody or control all such entries relating to the said lands as may be necessary and requisite to complete and effectuate the revestment of the said lands in His Majesty as aforesaid, and the declaration and dedication of the same as a street and public highway, and the vestment of such street in the City of Perth in accordance with section three of this Act; and such entries may be made, notwithstanding that the instruments or duplicate instruments of title of the said lands are not produced.

Authority to
alter records
to effectuate
revestment.

(2.) Upon application in writing by any person, who immediately prior to the revestment of the said lands in His Majesty under this Act was the registered proprietor of any of the said lands, the Registrar of Titles shall, in the case of any pieces of land which are under the Transfer of Land Act, 1893, issue to such person, without payment of any fee or charge, such balance certificate of title as may be necessary and requisite in respect of land remaining the property of such person after any land revested in His Majesty as aforesaid has been excised therefrom.

FIRST SCHEDULE.

PART I.

All that piece of land, being portion of Perth town lot L4 and portion of the land subject of diagram 7686 and being portion of the land comprised in Certificate of Title volume 973, folio 104, more particularly delineated, defined, identified, and included in the portions coloured blue, and numbered "3" respectively in the plan in the Fourth Schedule to this Act.

PART II.

All that piece of land, being portion of Perth town lot L4 and being portion of the land comprised in Certificate of Title volume 987,

folio 119, more particularly delineated, defined, identified, and included in the portions coloured blue, and numbered "3" respectively in the plan in the Fourth Schedule to this Act.

SECOND SCHEDULE.

All that piece of land, being portion of Perth town lot L4 and portion of the land comprised in Certificate of Title volume 1020, folio 585, more particularly delineated, defined, and identified as the portion coloured yellow in the plan in the Fourth Schedule to this Act.

THIRD SCHEDULE.

All that piece of land, being land not under or subject to the provisions of the Transfer of Land Act, 1893, being portion of Perth town lot L4 and being portion of the land comprised in a conveyance dated the fifth day of November, one thousand eight hundred and thirty-eight, registered in the Registry of Deeds at Perth and numbered 688 in Memorial Book 1, more particularly delineated, defined, and identified as the portion coloured green in the plan in the Fourth Schedule to this Act.

