



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XV.

AN ACT to amend "The Transfer of Land Act, 1874."

[Assented to, 16th July, 1878.]

WHEREAS it is expedient to amend "The Transfer of Land Act, 1874;" Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1 THIS Act may be cited for all purposes as "The Transfer of Land Act, 1874, Amendment Act, 1878."

Short Title.

2 WHENEVER by a transfer or by any other lawful mode the whole of the land comprised in any certificate of title passes to any person other than the registered proprietor thereof, it shall not be incumbent on the Registrar to make out a new certificate of title in the name of such person, but such person shall be deemed to be duly registered as proprietor of such land, when a memorandum of the transfer or other legal mode as aforesaid, and of the name and

Upon a change of ownership a fresh certificate need not issue in all cases.

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addition of the new proprietor, shall have been entered upon the certificate and upon the duplicate thereof, and shall have been signed by the Commissioner. For every such entry there shall be paid the fee of Ten shillings.

Repeal of 38 Vict. No. 13, s. 15.

In case of original Crown Grants, Registrar to make out in register book a Certificate of Title to land comprised therein, and then deliver to grantee the grant itself, endorsed with a memorandum of such certificate.

3 SECTION fifteen of the said Act is hereby repealed, and in lieu thereof it is hereby enacted, that the grants in fee or for years of all Crown Lands remaining unalienated at the time of the passing of this Act shall be delivered, not to the grantee, but to the Registrar, who shall, on a separate folium of the "Register Book," make out a certificate of title to the land comprised in any grant, according to the tenor and effect thereof, and shall then endorse on the said grant a memorandum to the effect that such certificate has been so made out, and shall specify the folium in the Register Book where such certificate may be found. The Commissioner of Titles shall then sign his name to such memorandum, and the said grant so endorsed shall, after payment of the contribution to the assurance fund (in cases wherein such contribution shall be payable) be delivered on demand to the grantee. The said certificate, together with the grant so endorsed as aforesaid, shall to all intents and purposes be equivalent to the certificate and duplicate certificate of title respectively required by Section thirty-four of the "Transfer of Land Act, 1874," to be bound up in the Register Book and to be delivered to the proprietor; and the land comprised in the said grant and certificate shall, on the said certificate being made out and the said endorsement being made and signed on the grant as aforesaid, be deemed to have been brought under the operation of the Act.

Repeal of 38 Vict. No. 13, s. 56.

Dealings may be registered before receipt of Crown Grant.

4 SECTION fifty-six of the said Act is hereby repealed, and in lieu thereof it is hereby enacted, that upon production of a permit to occupy, duly signed by the officer appointed in that behalf by the regulations in force for the time being, respecting the sale and disposal of the Waste Lands of the Crown in Western Australia, certifying that the person therein named is entitled to an estate in fee simple in land therein described, together with an instrument dealing with such land, signed by such person, the Registrar shall endorse upon such permit such memorandum as he is by the said Act required to enter in the Register Book upon the registration of any dealing of a like nature with land under the operation of the said Act, and shall sign such endorsement, and shall endorse such instrument with the certificate of registration by the said Act required on the registration of a like instrument after a grant relating to land under the operation of the said Act has been

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registered, and so on from time to time with respect to any other dealings that may take place before the receipt by the Registrar of the Crown Grant of the land comprised in the said permit; and every such instrument shall thereupon be held to be duly registered under this Act. The Registrar shall file such permit and instrument in the office, and on receipt of the Crown Grant of the said land, the Registrar shall, in addition to making out a certificate of title to such land and endorsing the grant as required by section three of this Act, endorse upon the certificate of title to such land made out in accordance with the said section, and on the grant, a memorandum of every dealing endorsed on the permit to occupy in pursuance of this section, and the Commissioner shall sign such endorsement, and the said grant so endorsed shall be issued to the person who shall appear to be entitled to the same.

5 ANY certificate of title issued under the said Act, purporting to certify that the person therein named is the proprietor of any estate therein described, shall be taken and held to be conclusive evidence that such person is the proprietor of such estate, subject to any reservations contained in the deed by which the said land was originally granted by the Crown, pursuant to the regulations in force at the time respecting the sale and disposal of the Waste Lands of the Crown in this Colony, and subject to any resumptions which may have been made of the said land, or any part thereof, in pursuance of such reservations of right as aforesaid, and to any taking of the said land, or any part thereof, that may have been effected pursuant to the provisions of any Act authorising any person to take the same.

Certificate of title, evidence thereof subject to reservations in the grant, resumptions made and powers to take compulsorily exercised.

6 SECTION ninety-seven shall be and the same is hereby amended, by omitting the word "trustee," in line sixteen of the same, and inserting the word "bankrupt" in lieu thereof. And Section twenty-one of the said Act shall be and the same is hereby amended, by omitting the words "or in the name of such person as may have been directed in that behalf." Provided always, that this last-mentioned amendment shall not apply to the case of any application that may have been made before the passing of this Act, to bring land under the operation of the "Transfer of Land Act, 1874," in the name of any person other than the applicant.

Amendment of 38 V. No. 13, sections 97 and 21.

Proviso.

In the name and on behalf of the Queen I hereby assent to this Act.

H. ST. GEORGE ORD, Governor.