

*Crown Lands (Trespas)*

WESTERN AUSTRALIA

ANNO NONODECIMO

VICTORIÆ REGINÆ

No. 5

An Ordinance to empower the Governor to alienate Lands in Western Australia purchased out of Imperial or Colonial Funds. [Assented to 9th June, 1856.]

**W**HEREAS it is expedient to remove doubts that have arisen respecting the power of the Governor to alienate lands in Western Australia purchased out of colonial funds and conveyed to the use of Her Majesty, her heirs and successors, for colonial purposes; and whereas it may hereafter be expedient from time to time to sell such lands, or parts thereof: 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:—

Preamble

1. That from and after this Ordinance receiving the Royal assent, it shall be lawful for the Governor to sell, alienate, and convey by deed in the name and on behalf of Her Majesty, any land whatsoever in the said Colony that now has been, or that hereafter may be, purchased out of the funds of the said Colony and conveyed as aforesaid; and the proceeds of such sale shall be duly paid over to the Colonial Treasurer, to the use of Her Majesty, her heirs and successors, for the public service of the said Colony, and in support of the Government thereof.

The Governor is declared to be empowered to sell lands, &c., purchased out of colonial funds

2. And whereas doubts have arisen respecting the power to sell and alienate lands in the said Colony purchased to the Queen's use, by the head of a department in the Imperial Service, and out of Imperial funds, and for Imperial purposes; be it hereby enacted and declared, that from and after this Ordinance receiving the Royal assent, it shall be lawful for the Governor, upon receipt of a written requisition to that effect from the head of the department for whose special service any such land was originally purchased out of Imperial funds, to convey in the name and on behalf of Her Majesty, the said land by deed to a *bonâ fide* purchaser, whose title shall be good and valid, the same as if the lands were waste Crown Lands, and sold and conveyed under the authority of any Imperial Act of Parliament in that behalf, and the proceeds of the said sale shall be duly paid over to the head of the department aforesaid, or other representative of the Imperial Treasury, to the use of Her Majesty, her heirs and successors, for the public Imperial service.

Also to sell lands, &c., purchased out of Imperial funds

Title good as though waste lands

3. And to prevent any question as to the liability of purchasers and other persons paying money under the authority of this Ordinance, be it further enacted, that no person or persons paying any sum of money under the authority or in pursuance of this Ordinance shall be bound to see to the application, or be answerable for the misapplication

Purchaser held harmless

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or non-application of the money so paid by him, her, or them, or for any irregularity in the sale or sales.

The usual deed  
for waste lands  
may be used or  
followed

4. That lands sold under the authority of this Ordinance may be conveyed by a deed of like form, or as near thereto as circumstances will permit, as the deed now and heretofore commonly used for conveyance of waste lands of the Crown, and subject to the reservation contained in the original grant from the Crown of such land of the precious metals and of a right of entry for certain public purposes.

Public officer  
held harmless

5. That no public officer or agent of the Imperial or Colonial Government concerned in negotiating or completing the sale of any land under this Ordinance shall be deemed to be in any degree responsible for the goodness or sufficiency of the title of Her Majesty, her heirs or successors, to such land.

A. E. KENNEDY,  
GOVERNOR AND COMMANDER-IN-CHIEF.

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