

# WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

FRIDAY, SEPTEMBER 8, 1843.

[NUMBER 371]

WESTERN AUSTRALIA,  
ANNO SEPTIMO,  
VICTORIÆ REGINÆ.

*By His Excellency JOHN HUTT, Esquire, Governor and Commander-in-Chief in and over the Colony of Western Australia and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council thereof.*

No. IX.

An Act for the Quieting of Titles to Lands in this Colony by declaring valid certain Instruments and Transactions affecting the same.

Whereas in the second year of the reign of His late Majesty King William the fourth an Act was passed intituled "An Act to facilitate and simplify the Transfer of real property," in which Act certain simple and concise forms were given as guides to persons desirous of Transferring by way of sale or Mortgaging any Real Property in this Colony; and whereas either through ignorance or inadvertence in the absence of professional aid many Instruments intended to serve as Instruments of Sale and Transfer or to operate by way of Mortgage have been framed not in accordance with the wording of those forms, and in some instances those forms have been used in cases where they were not strictly applicable; and whereas doubts have been suggested as to the validity of such Instruments; and whereas for the Quieting of Titles it is expedient to remove such doubts—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, that any Instrument in writing which has been executed or which shall be executed on or before the First day of January next by any party for the purpose (clearly apparent on the face of such Instrument) of transferring by way of sale an Estate of Inheritance in fee simple of such party in any lands, tenements, or hereditaments, situated in this Colony shall be deemed and taken to be valid and effectual to pass and transfer such Estate both at Law and in Equity, although such Instrument shall not be according to the form of transfer given in the aforesaid Act, nor according to any form of transfer recognised by the practice of Conveyancing in England.

II. And be it enacted, that any Instrument in writing purporting to be a Mortgage by deposit of Title Deeds with a power of sale of any lands, tenements, or hereditaments situate in this Colony which has been executed or which shall be executed on or before the First day of January next, although the same shall not have been accompanied by a deposit of Title Deeds shall be deemed and taken to be valid and effectual as a Mortgage of such Lands, tenements, or hereditaments as if such Instrument had been according to the form of Mortgage given in the aforesaid Act, and had been accompanied by a deposit of Title Deeds.

III. And be it enacted, that every Instrument deriving its validity from this Act shall be deemed to take effect from the date of its Registration, and that nothing in this Act contained shall be construed to affect the rights or priorities of Instruments under Registration Act of Council, 2nd William 4th, No. 6.

IV. And be it enacted, that in every

by any Instrument of Mortgage together with all monies due thereon has been repaid and satisfied or shall at any future time be repaid and satisfied and a verified Certificate of such payment has been or shall be delivered into the Registry Office of the said Colony, then and in such case every such Instrument of Mortgage shall be deemed to be and to have been null and void from the time of the delivery of such Certificate and the Estate and Interest of the Mortgagor, his Heirs or Assigns, in the lands, tenements, or hereditaments thereby charged shall be deemed to be and to have been from the time of such delivery the same as if no such Instrument had been made notwithstanding any default which may have occurred in payment of the principal or interest thereby secured on the days and at the times appointed in the said Instrument for payment of the same respectively.

V. And be it enacted, that any Instrument in writing by which any Married Woman of the age of Twenty-one Years at the time of the Execution of such Instrument has expressed or shall express her intention to pass and transfer or release her title to Dower in or to any lands, tenements or hereditaments within the said Colony, and which has been executed or which shall be executed on or before the first day of January next in the presence of the Commissioner of the Civil Court or before some Justice of the Peace of the said Colony and on which Instrument there is or shall be endorsed or to which there is or shall be appended or subjoined a Certificate under the hand of such Commissioner or Justice of the Peace as required by the said first mentioned act shall be deemed valid and effectual to pass and transfer or release the Title to Dower of such Married Woman as if such Instrument had been a Deed jointly executed by her with her Husband as required by the said Act.

VI. And be it enacted, that no purchase made before the passing of this Act of any lands, tenements, or hereditaments by any Mortgagee thereof at a sale thereof by Public Auction (such sale being in pursuance of a power contained in the Instrument of Mortgage) shall be impeached or impeachable on the sole ground that such Mortgagee was by reason of such power of sale a Trustee for his or her mortgagor—Provided that at least the full amount due for principal and interest shall have been bid and paid for the same.

VII. And be it enacted, that this Act may be amended or repealed by any Act to be passed during this present Session.

"JOHN HUTT,"  
GOVERNOR.

*Passed the Council }  
17th Aug., 1843. }  
EDWARD C. SOUPER,  
Acting Clerk of the Council.*

## P r o c l a m a t i o n .

*By His Excellency JOHN HUTT, Esq., Governor and Commander-in-Chief of the Territory of Western Australia and its Dependencies, and Vice-Admiral of the same.*

In pursuance of the authority in me vested by a certain act of the Imperial Parliament of Great Britain and Ireland, passed in the fifth and sixth years of Her Majesty's reign, intituled "An Act for regulating the sale of waste lands belonging to the Crown in the Australian Colonies,"

following Town allotment of land will be offered for sale by public auction at the Sub-Collector of Revenue's Office in Bunbury, on Wednesday, the fourth day of October next, at the upset price affixed thereto, on the terms and conditions set forth in certain land regulations dated 14th June, 1843—

Bunbury allotment 292. Upset price, £25.

*Given under my hand and seal at Perth this sixth day of September, one thousand eight hundred and forty-three.*

JOHN HUTT,  
Governor and Com.-in-Chief.  
*By His Excellency's command,*  
PETER BROWN,  
Colonial Secretary.  
GOD SAVE THE QUEEN !!!

*Colonial Secretary's Office, Perth,  
August 23, 1843.*

BURIAL OF PERSONS DYING IN DESTITUTE CIRCUMSTANCES.

Tenders in triplicate will be received at this Office on Tuesday, the 12th day of September next, for the burial of persons who may die in destitute circumstances.

For further particulars application to be made to the Superintendent of Public Works.

*By His Excellency's command,*  
PETER BROWN.

General Post Office, Perth,  
August 24, 1843.

### LIST OF UNCLAIMED LETTERS,

Anderson, Richard  
Brown, Dennis  
Brown, William  
Buttrely, William  
Barney, Edward  
Baker, Mr.  
Bagley, Thomas  
Cole, Daniel  
Durlacher, A.  
Farmer, Phillip  
Harrenden, Fanny  
Hannan, Miss  
Hennell, C.  
Harwood, J.  
Jones, Mr. F.  
James, Mr.  
Knight, James  
Lascelles, E. W., late Captain 22nd Regt.  
Layton, William  
Legg, Daniel  
Liversidge, William  
Millar, James  
Morgan, Thomas  
Moran, Lawrence  
Millar, J.  
Milligan, F.  
Maxwell, G.  
Peel, Thomas jun.  
2 Pengilly, J. B.  
Peston, Spadrick  
Parsons, John  
Parsons, Thomas  
Quinn, M.  
Storey, Mrs., or Mrs. Gibson  
Smith, John  
Sheridan, John  
Stewart, James  
Tomson, John  
Taylor, John  
Thicket, John  
Webber, Samuel  
H. CAMFIELD,  
Postmaster-General.

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