

WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

FRIDAY, SEPTEMBER 15, 1843.

[NUMBER 372]

WESTERN AUSTRALIA,
ANNO SEPTIMO,
VICTORIÆ REGINÆ.

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

No. X.

An Act to amend an Act intituled "an Act to provide for the Registration of Deeds, Wills, Judgments, and Conveyances affecting Real Property."

Whereas it is expedient to amend an Act passed in the second year of the reign of His late Majesty King William the Fourth (No. 6) intituled "An Act to provide for the Registration of Deeds, Wills, Judgments and Conveyances affecting Real Property"—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 the Memorial of a Judgment alluded to in the fourth section of the said Act may be signed by the duly authorized Agent of the Plaintiff or Plaintiff's in case of the absence from the Colony of such Plaintiff or Plaintiff's and also that the oath required by the said section in verification of every Memorial and also the oath required by the ninth section of the said Act in verification of the certificate of satisfaction therein mentioned may be taken before the Lord Mayor of London or before the Mayor, Borough, or Town Corporate within the United Kingdom of Great Britain and Ireland, or before the Governor of any of Her Majesty's Colonies certified under the Common Seal of such City, Borough, or Town Corporate, or under the Seal of Her Majesty's Colony where the affidavit shall have been made.

II. And be it enacted, that in case of the death or absence from the Colony of any Mortgagor or Mortgagee, or Plaintiff or Defendant, whose signature is required by the eighth section of the said recited Act to be affixed to the verified certificate therein mentioned, such verified certificate may be signed by the legal representative of such Mortgagor or Mortgagee, or such Plaintiff or Defendant, or the duly authorized agent of any of the said parties, or of their legal representatives, respectively.

III. And be it enacted, that the Registrar shall carefully enrol in a particular Book to be kept by him for that purpose any Instrument affecting lands, tenements, or hereditaments within this colony which shall be delivered to him for the purpose of Enrolment, and he shall also keep an Alphabetical Index of the names of the parties to such Instruments and of the District, Letter and Number by which such lands are therein particularised with accurate references in such Index to the number and page of enrolment to which any entry in such Index shall relate.

IV. And be it enacted, that on production of an Affidavit setting forth that the original of any such Enrolled Instrument has been lost or cannot be found after due and diligent search and enquiry or has been wholly or partially effaced or destroyed, and that the party by whom or on whose behalf such affidavit is tendered claims

interest under such Instrument the Registrar shall issue to the party delivering such affidavit a full copy certified by him to be correct of the Instrument referred to by such affidavit and every copy so certified shall be received in any Court of Justice within the said Colony as conclusive evidence of the contents of the Instrument so lost, effaced or destroyed, proof having been first made to the satisfaction of such Court that such original Instrument is lost or cannot be found after due and diligent search, and of the signature of the Registrar to such Certificate.

V. AND be it enacted, that the due registration of any instrument under the provisions of the said recited act shall be deemed to be notice of the sale, mortgage or other transaction referred to in the memorial of registration of such instrument.

VI. AND whereas it has been found expedient to alter in some particulars the table of Fees chargeable under the said act, be it enacted that from and after the passing of this act the several fees or sums of money mentioned hereunder (and no higher or other fees) shall be demanded by and paid to the said Registrar for and in respect of the several things to be by him performed and done under and by virtue of this act or of the said herein recited act, anything in the said act to the contrary notwithstanding,—that is to say,

For receiving each memorial or verified certificate, or other instrument.....	s. d. 2 6
For giving a receipt for, and afterwards entering the same, or for enrolling any instrument, or for giving a copy or other particular of any of the same, for any number of folios not exceeding ten, of seventy-two words each.....	7 6
For every folio after the first ten	1 0
For receiving any will or other document deposited and recording the same.....	10 0
For giving out the same.....	10 0
For every search.....	2 6
For every examination of any original memorial.....	1 0

VII. AND be it enacted, that all fees charged or imposed by or under this act shall be paid over to the Collector of Revenue in aid of the general revenues of the colony.

VIII. AND be it enacted, that if the said Registrar, or any Clerk or person employed under him, shall wilfully destroy, secrete, forge, counterfeit, raze, deface or alter any such enrolment as aforesaid with intent to defraud or injure any person or persons, such Registrar, Clerk, or person so offending shall be guilty of felony, and being thereof duly convicted, shall be liable to be transported beyond seas for any term not less than seven years nor exceeding fourteen.

IX. 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," I do hereby notify and proclaim that the 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
September 12, 1843.*

SALE OF A FILLY BROUGHT IN FROM THE BUSH.

At one o'clock, on Friday, the 29th instant (Guildford Fair), the Government Auctioneer will put up to sale by public auction, in front of Devenish's Inn, Guildford, a bay Filly, which was taken on the River Beaufort about 14 months ago, and duly advertised at that time.

The Filly is four years old and unbroken, about 15 hands high, of a bright bay color, and has four black legs.

A deposit of 10 per cent. will be required on the day of sale, and an approved bill at three months date will be taken for the balance.

By His Excellency's command,
PETER BROWN.

QUARTER SESSIONS.

Notice is hereby given that the next General Quarter Sessions of the Peace of our Lady the Queen for the Colony of Western Australia will be holden at the Court-house, at Perth, on Monday, the second day of October next, at the hour of nine in the forenoon of the same day.—Dated the 12th day of September, in the year of our Lord 1843.

A. H. STONE,
Clerk of the Peace.

GENERAL ROAD TRUST.

The Quarterly Meeting of the General Road Trust will be held at the Court-house at Perth on Wednesday, the 4th October, at 12 o'clock.

J. W. HARDEY,
Chairman.

September 12, 1843.

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