

WESTERN AUSTRALIA

ANNO SEPTIMO

VICTORIÆ REGINÆ

No. 4

An Act for rendering a Release as effectual for the Conveyance of Freehold Estates as a Lease and Release by the same parties. [*Assented to 13th July, 1843.*]

Preamble

A release to be effectual although no lease for a year shall be executed

The recital or mention of a lease for a year in a release executed before the passing of this Act, to be evidence of the execution of such lease for a year

WHEREAS it is expedient to lessen the expenses of conveying freehold estates: Be it therefore enacted by His Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, that every deed or instrument of release of a freehold estate or deed or instrument purporting or intended to be a deed or instrument of release of a freehold estate which shall be executed after the passing of this Act, and shall be expressed to be made in pursuance of this Act, shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at law and equity as if the releasing party or parties who shall have executed the same had also executed in due form a deed or instrument of bargain and sale or lease for a year for giving effect to such release, although no such deed or instrument of bargain and sale or lease for a year shall be executed.

2. And whereas deeds or instruments of bargain and sale or leases for a year, to give effect to deeds or instruments of release of freehold estates heretofore executed, may have been lost or mislaid: Be it enacted that where in or by any deed or instrument of release of freehold estates executed before the passing of this Act, any deed or instrument of bargain and sale or lease for a year giving effect to such deed or instrument of release shall be recited, or by any mention thereof in such deed or instrument of release appear to have been made or

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*Transfer of Real Property*

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executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the deed or instrument of bargain and sale or lease for year so recited or mentioned having been made and executed; and such deed or instrument of release shall also have the like effect as if the same had been executed after the passing of this Act, whether such deed or instrument of bargain and sale or lease for a year shall or shall not have been lost or mislaid or may or may not be produced:— Provided always that this Act shall not prejudice or affect any proceedings at law or in equity pending at the time of the passing of this Act, in which the validity of any bargain and sale or lease for a year shall be in question between the party claiming under such bargain and sale or lease for a year and the party claiming adversely thereto; and such bargain and sale or lease for a year, if the result of such proceedings shall invalidate the same, shall not be rendered valid by this Act.

3. And be it enacted that in the construction of this Act, the word 'freehold' shall have not only its usual signification, but shall extend to all lands and hereditaments for the conveyance of which if this Act had not been passed, a bargain and sale or lease for a year, as well as a release might have been used.

Construction of  
the word 'Free-  
hold'

4. And be it enacted that this Act may be amended or repealed by any Act to be passed during this present session.

Act may be  
amended

JOHN HUTT,  
GOVERNOR.

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