



WESTERN AUSTRALIA.

ANNO SEPTIMO

VICTORIÆ REGINÆ.

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No. X.

An Act to amend an Act intituled “an Act  
to provide for the Registration of Deeds,  
Wills, Judgments, and Conveyances af-  
fecting Real Property.

**W**HEREAS it is expedient to amend an Act passed in the se-  
cond 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”;  
Expedient to amend 2nd  
Wm. 4th, No. 6.

Memorial of judgment may be signed by agent in case of absence of plaintiff or plaintiffs.

Oaths may be taken before the Lord Mayor of London, &c.

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 authorised agent of the plaintiff or plaintiffs, in case of the absence from the colony of such plaintiff or plaintiffs, 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 or Chief Magistrate of any other City, 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.

In case of death or absence of the parties, verified certificate may be signed by legal representative or agent respectively.

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 authorised agent of any of the said parties, or of their legal representatives, respectively.

Registrar to enrol instruments and to keep an alphabetical index.

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.

On affidavit that the original of any such enrolled instrument is lost, effaced or destroyed, the Registrar is to give a certified copy, which is to be received as conclusive evidence.

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. Registration is to be deemed notice.

VI. AND whereas it has been found expedient to alter in some particulars the table of Fees chargeable under this 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, any thing in the said Act to the contrary notwithstanding;—that is to say, It is expedient to alter the table of fees.

|   |    |    |    |  |
|---|----|----|----|--|
| For receiving each memorial or verified certificate, or other instrument.....   | £. | s. | d. |  |
|   | 2  | 6  |    | <small>Schedule of rate of fees.</small> |
| 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. Appropriation of penalties.

Registrar or clerk who shall destroy, secrete, forge, raze, deface or alter such instrument, shall be guilty of felony. 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.

Act may be amended. 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.