



WESTERN AUSTRALIA.

ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ,

No. 13.

An Act to impose a Duty upon the Transfer of Landed Property.

WHEREAS it is expedient that a duty should be imposed upon the transfer of Landed Property in the Colony of Western Australia, for the purpose of obtaining a fund to be applied to the introduction of labourers, mechanics and artizans into the said colony;—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 from and after the 1st day of October in the present year, the Registrar of Deeds of the said colony shall be entitled, and he is hereby required, over and above and in addition to such fees as are at present payable by parties upon the registration of deeds and other conveyances, to charge and receive a duty or sum of one pound for every hundred pounds of the consi-

Preamble.

Expedient to raise a labour-fund.

Duty of 1 per cent. to be paid on the registration of deeds in addition to the present fees.

deration stated and set forth in every conveyance so registered as aforesaid, whereby any lands, tenements or hereditaments, or any estate or interest in the same, is conveyed or transferred, except as are hereinafter excepted; and at the like rate where the value of the consideration shall be less than one hundred pounds.

Purchase-money or consideration to be set forth in the principal instrument, on pain of forfeiting £50, and five times the excess of duty.

II. AND be it enacted, that in all cases where any lands, tenements or hereditaments, or any estate or interest in the same, are sold or transferred, the full value of the consideration which shall be directly or indirectly paid or secured, or agreed to be paid for the same, shall be truly expressed and set forth in money, in words at length, in or upon the principal or only deed or instrument whereby the land or other property, or interest in the same, is granted, assigned, transferred, released, renounced, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons by his, her or their direction. And if in any such case as aforesaid the purchase-money or consideration shall be untruly or fraudulently set forth, the purchaser or purchasers, and also the seller or sellers, shall forfeit and pay the sum of Fifty pounds, and shall also be chargeable with, and be holden liable to, the payment of five times the amount of the excess of duty, which would have been payable for such deed or instrument as aforesaid in respect of the full purchase or consideration money, in case the same had been truly set forth and expressed in or upon the same, beyond the amount of the duty actually paid for the same.

Penalty on officer registering without payment of duty £50, and the amount of duty chargeable.

III. AND be it enacted, that if any Registrar or other officer entrusted with the enrolment of deeds shall register or enrol any deed or instrument chargeable with duty under the provisions of this Act without having demanded and received such duty, he shall forfeit and pay the sum of Fifty pounds; and in addition thereto shall pay a fine equal in amount to the duty so chargeable as aforesaid.

Penalties on Attorneys, &c., for not inserting the true consideration in any conveyance, &c., £50, and incapability.

IV. AND be it enacted, that if any Attorney, Solicitor, or other person who shall be employed in or about the preparing of any such deed, or other instrument, in or upon which the full purchase or consideration money is hereby required to be truly expressed and set forth as aforesaid, or who shall be employed for any of the parties thereto in any wise about or relating to the transaction therein mentioned, shall knowingly and wilfully insert or set forth, or cause to be inserted or set forth in or upon any such deed or other instrument, any other than the full and true purchase or consideration money directly or indirectly paid or secured, or agreed to be paid for the same, or shall in any wise aid or assist in the doing thereof respectively, every such Attorney, Solicitor, or other person so offending, shall, for every such offence, forfeit and pay the sum of Fifty pounds, and shall also be from thenceforth disabled to practise

as an attorney or solicitor ; and any other person being employed or instructed to prepare any such deed or other instrument in virtue of any public office or employment, and being guilty of such offence in the execution of his office or employment, and being thereof lawfully convicted, shall also forfeit and lose his office or employment, and be from thenceforth incapable of holding the same.

V. PROVIDED always and be it enacted, that no person who-
 soever shall be liable to any penalty, disability or forfeiture whatso-
 ever by reason of the full purchase or consideration money not being
 truly expressed and set forth in or upon any such deed or other
 instrument as aforesaid, unless the duty or duties actually paid for
 the same shall be less than would have been payable for the same in
 case the full purchase or consideration money had been truly ex-
 pressed and set forth according to the directions of this Act.

No penalty unless the duty paid be less than the duty payable.

VI. AND be it enacted, that when the full purchase or consider-
 ation money shall not be truly expressed and set forth in the manner
 hereinbefore directed, it shall be lawful for the purchaser or pur-
 chasers, or any of them, or his or her or their executors or adminis-
 trators, to recover back from the seller or sellers, or his, her or their
 executors or administrators, so much and such part of the purchase
 or consideration money as shall not be expressed and set forth as
 aforesaid, or the whole thereof, if no part of the same shall be so
 expressed and set forth, either in an action for money had and
 received for the use of the party or parties suing for the same, or by
 action of debt, bill, plaint or information in the Civil Court of this
 Colony.

Where the consideration shall not be truly set forth, purchaser may recover back so much thereof as shall not be stated.

VII. AND be it enacted, that if any or either of the parties here-
 by made liable to the payment of such fine, penalty, or quintuple
 duty, as aforesaid, shall give information whereby such fine, penalty,
 or quintuple duty, or any part thereof, shall be recovered from any
 other party or parties liable thereto, the party or parties giving the
 information shall not only be indemnified and discharged of such his,
 her or their liability, but shall also be rewarded out of the fine,
 penalty or quintuple duty so recovered, to such extent as the Go-
 vernor of the colony shall think proper, but not exceeding one half
 of what shall be so recovered ; and where any other person shall
 give information whereby any such penalty or quintuple duty shall
 be recovered, he or she shall be rewarded in the like manner.

Parties liable to such penalties informing against others, shall be indemnified and rewarded.

VIII. PROVIDED always, and be it enacted, that nothing in
 this Act contained shall extend to or affect conveyances of lands to
 or from her Majesty, her heirs or successors, nor to any deed or
 other instrument by which any interest in any lands, tenements or
 hereditaments, is conveyed or transferred by way of mortgage or re-

Exemption of conveyances to or from the Crown, Mortgages, Leases and sales by Auction.

conveyed, or re-transferred on the satisfaction of any mortgage, nor to any bonâ fide lease whereon a full and valuable rent shall have been reserved,—nor to any assignment thereof,—nor to any lands sold by public auction.

Penalties to be a debt to the Crown.

IX. AND be it enacted, that the several penalties, whether by way of fines, duties, quintuple duties, or otherwise contained in this Act, shall be deemed and taken to be a debt to her Majesty, her heirs and successors, of and from the several parties offending, and shall and may be sued for and recovered accordingly, provided the suit or proceeding for recovery of the same be instituted within ten years from the time of registration.

Duties to be paid over to the Colonial Treasurer, to form a labour fund.

X. AND be it enacted, that all sums of money received by the Registrar of Deeds as such duties as aforesaid, and all fines and forfeitures recovered under this Act, shall, after deducting the expenses of prosecution and of rewarding the party or parties informing, be paid over to the Colonial Treasurer, to be applied to the introduction of labourers, mechanics, and artizans into the said Colony, according to such arrangements as the Governor, with the advice and consent of the Legislative Council, shall from time to time by law appoint.

Act may be amended.

XI. AND be it enacted, that this Act may be amended or repealed by any Act to be passed in the present Session.

JOHN HUTT,
GOVERNOR AND COMMANDER-IN-CHIEF.

Passed the Council }
29th July, 1841. }

EDWARD C. SOUPER,
Acting Clerk of the Council.