

1876-7.

Legislative Council.

REAL PROPERTY ACT FURTHER AMENDMENT BILL.

(Amendments to be proposed in Committee of the Whole by
MR. DARLEY.)

(To stand clause 7 and precede caveat clause.)

In any application to be registered as proprietor under the provisions of the seventy-ninth section of the principal Act it shall be competent for though not compulsory on the Commissioners if so advised by the Examiners of Titles to dispense with a certificate of the death of the deceased registered proprietor on production of such other good and sufficient evidence of his death as the Examiners of Titles shall think sufficient and in any such application it shall be unnecessary for the applicant to state the nature of or set forth any estate or interest held by any other person or persons at law or in equity arising or supposed to arise out of matters anterior to the date of the instrument in respect of which he applies to be registered unless such estate or interest shall have been disclosed by or referred to in some instrument or declaration of trust deposited under the said Act or shall have been protected by caveat entered pursuant to the provisions of the said Act and the Registrar General Examiners and Commissioners shall not except in the cases before mentioned be concerned in or take notice of any such anterior estates or interests as aforesaid and such application may be made and verified either by and on the oath of the applicant or in case of his absence from the Colony of New South Wales by his agent duly constituted by a general power of attorney.

Dispensation of certificates of death in certain cases in transmission applications and of statement of certain estates and interests.

(To stand clause 8.)

Upon the registration of any person claiming any estate of freehold in the land of a deceased proprietor under sections seventy-nine and eighty of the principal Act it shall not be necessary for such first-mentioned person to take out a certificate of title in his own name where the transmission is of the whole of the land comprised in the grant or certificate of title surrendered and for the whole of the estate of the deceased registered proprietor but he may receive the grant or certificate of such registered proprietor with a memorial of the transmission endorsed thereon provided that the Registrar General whenever in his opinion any grant or certificate of title shall be incapable of containing with convenience any further endorsements may compel the last proprietor applying for registration to receive a certificate of title in his own name.

Registration on transmission by endorsement.

(To stand clause 15.)

Nothing in the sixty-sixth or any other section of the principal Act shall be deemed to prevent or to have prevented the registration of any Crown grant issued or to be issued at any time from and after the first day of January one thousand eight hundred and sixty-three by reason of the fact that a trust or trusts may have been or may be declared in such grant.

Grants to be registered although trusts declared.

