

No. XXVI.

An Act to declare the law as to the effect of Transfers before grant of Lands conditionally purchased under the Acts regulating the alienation of Crown Lands. [12th June, 1879.]

TRANSFER
OF CONDITIONAL
PURCHASES
DECLARATORY.

WHEREAS doubts have arisen as to the effect in law of notifications of transfer before grant of lands conditionally purchased under the "Crown Lands Alienation Act of 1861" or the "Lands Acts Amendment Act of 1875" and it has become necessary to declare the legal effect of such transfers Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the "Transfer of Conditional Purchases Declaratory Act of 1879." Short title.

2. In the interpretation and for the purposes of this Act the expression "Crown Lands Alienation Acts" means and includes the "Crown Lands Alienation Act of 1861" the "Lands Acts Amendment Act 1875" (so far as it relates to alienation of Crown lands) and any Act or Acts hereafter passed to amend the said Acts the expression "transfer" means any notification of transfer made and communicated to the Land Agent in pursuance of the Regulations in force for the time being under the Crown Lands Alienation Acts. Interpretation of terms.

3. Subject to the provisions and conditions of the Crown Lands Alienation Acts and to the qualifications hereinafter expressed every transfer of land heretofore or hereafter conditionally purchased under the said Acts shall be deemed and taken to have passed and to pass to the transferee the whole estate and interest whether at law or in equity of the transferor in the land the subject of such transfer as effectually to all intents and purposes as if a conveyance or assignment under seal of such estate and interest to such transferee had been duly executed by such transferor but this enactment shall be subject to the conditions and qualifications following viz. :—

- (1.) The equities of all persons claiming any estate or interest in any such land by matter prior to the date of execution of any such transfer shall not be affected by this Act but shall be capable of assertion and enforcement as if this Act had not been passed.
- (2.) No transfer shall have the effect hereinbefore expressed unless such transfer shall have been or shall hereafter be made executed and lodged in accordance with the regulations.
- (3.) Nothing in this Act shall affect any judgment decree or order of the Supreme or any Court made before the passing of this Act or shall affect any proceeding or matter now pending before any such Court in which the validity or legal effect or priority of any transfer is or may be in question.
- (4.) No such transfer shall prejudice or affect any conveyance or assignment or any other assurance under seal relating to land conditionally purchased if such conveyance assignment or assurance shall have been previously registered as by law required in the office of the General Registry of Deeds in Sydney.

4. The effect given to duly registered deeds and instruments affecting lands hereditaments and other property by the eleventh section of the Registration Act seventh Victoria number sixteen shall be deemed to have been annexed and to be incident to all transfers within the meaning of this Act if duly registered under the said Registration Act. As to priority.