An Act to amend the "Real Property Act of 1861."

[Assented to, 9th February, 1870.]

WHEREAS it is expedient to amend the "Real Property Act of 1861," in manner hereinafter provided—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows:

1. The fees payable to the Lands Titles Commissioners, under the Schedule marked P of the "Real Property Act of 1861," shall still be payable as heretofore, but shall, subject to the payments hereinafter mentioned, be paid to the Treasurer for the public uses of the said Province; and the Lands Titles Commissioners, instead of being remunerated by fees, shall be paid such sum as shall be appointed by the Governor of the said Province, by and with the consent of the Executive Council, not exceeding the sum of Two Pounds Two Shillings sterling to each Commissioner for each week during which such Commission shall hold at least one sitting.

2. Upon the registration of any memorandum of transfer, comprising the whole of the land described in any grant or certificate of title, it shall not be necessary for the transferee to take out a certificate of title in his own name, but he may receive the grant or certificate of title of the transferor, or in the case of a sale by a mortgagee, the grant or certificate of title of the mortgagor, with a memorial of the transfer in each such case endorsed thereon; and the Registrar-General shall not, after registering any such transfer, enter a memorandum cancelling such grant or certificate of title, as required by the "Real Property Act of 1861;" and
each successive transferee (if any) of the whole of such land, may at
his option take out a certificate of title in his own name, or may
receive the same grant or certificate of title upon which the
memorial or memorials of any previous transfer or transfers have
been endorsed as aforesaid; but 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 transferee to receive a certificate of title in his own name.

3. A transferee of land shall not be required in any case to
present in duplicate a memorandum of transfer for the purpose of
registration.

4. Whenever any land under the provisions of the “Real Property
Act of 1861” is transmitted in consequence of the death of
the registered proprietor thereof, the Lands Titles Commissioners
may limit and appoint a time, not less than one calendar month
from the date of the advertisement in the South Australian Govern-
ment Gazette, as mentioned in clause 80 of the said Act, upon or
after which the Registrar-General may issue to the person entitled
to the same a certificate of title for such land; and generally to
exercise the like discretion as regards the length of time which shall
elapse before issuing any such certificate of title as the said Com-
mis sioners might have exercised, if such land was not under the pro-
visions of the said Act, and application had been made to bring the
same under such provisions.

5. In addition to the charges and fees provided by the “Real
Property Act of 1861,” the Registrar-General may charge for any
certificate of title which shall exceed in length four folios of seventy-
two words each, a further sum of two shillings for each folio or part
of a folio in excess of such four folios; and if there shall be more than
two diagrams in such certificate, a further sum of one shilling and
sixpence for each such diagram after the first two diagrams.

6. All plans hereafter to be prepared, and required to be deposited
for the purposes of the “Real Property Act of 1861,” shall, if
required by the Registrar-General, be in duplicate.

7. This Act shall be construed together with the said “Real
Property Act of 1861,” and, except so far as any portion of the said
“Real Property Act of 1861” may be repealed, or altered, or added to
by this Act, the provisions of the said “Real Property Act of 1861”
shall remain in full force.

8. This Act may be cited for all purposes as the “Real Property
Act Amendment Act, 1869.”

In the name and on behalf of the Queen I hereby assent to
this Act.

JAMES FERGUSSON, Governor.