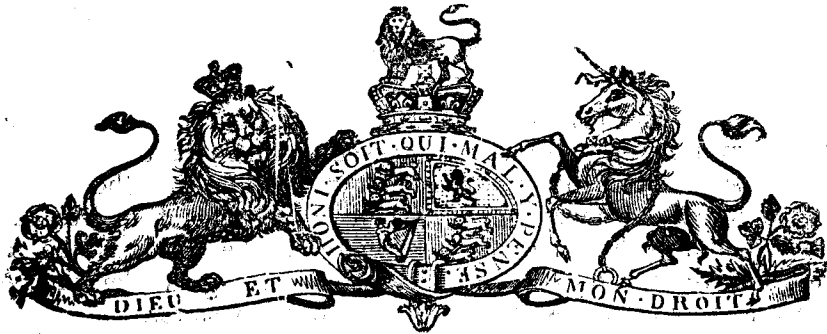


T A S M A N I A.

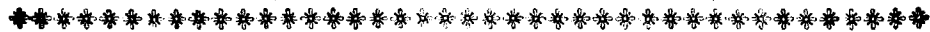


1878.

ANNO QUADRAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 9.



AN ACT to further amend *The Real Property Act*, A.D. 1878.
[9 November, 1878.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 In any case in which by any will the testator has charged his real estate or any specific portion thereof with the payment of any legacy or other specific sum of money, and has not devised the hereditaments charged as aforesaid in such terms as that his whole estate and interest therein becomes vested in any trustee, and has not made any express provision for the raising of such legacy or sum of money out of such estate, it shall be lawful for the executor for the time being named in such will, if any, to apply to the Recorder of Titles to be registered upon the existing Certificate of Title or Land Grant as entitled to execute a transfer or mortgage of the land therein mentioned; and the Recorder of Titles shall cause the title of such applicant to be investigated by the Solicitor, and shall thereafter submit the same for the consideration of the Lands Titles Commissioners, who may either reject such application altogether or direct the applicant to be registered in accordance therewith, either immediately or, unless caveat be lodged, after such notice or advertisement and within such period as they may appoint; and the Recorder of Titles shall obey such direction or any order of the Supreme Court in the premises.

Land under *The Real Property Act* subject to powers, how dealt with.

Upon such registration being effected it shall be lawful for such executor to raise such legacy or sum of money as aforesaid by a sale and absolute disposition by public auction or private contract of the said

Real Property Act Amendment.

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hereditaments or any part thereof, and for that purpose to execute a transfer or transfers of the same, or to execute a memorandum of mortgage of the same, or partly in one mode and partly in the other ; and in any memorandum of mortgage so executed such rate of interest may be reserved and such period of repayment may be fixed as the said executor may think proper ; but any sale or mortgage under this Act shall operate only on the estate and interest of the testator.

Subject to any mortgage which may be created under the provisions of this Section, the person entitled to the equity of redemption in any such land may be registered as the proprietor thereof, in like manner as any mortgagor under *The Real Property Act* is now entitled to be registered.

Application of Act.

2 The provisions of this Act shall apply only to land which has been or which may hereafter be brought under the operation of *The Real Property Act*.

Acts to be read together.

3 This Act and the said Act, and every Act altering or amending the same, shall be read and construed together as one Act.

Short title.

4 This Act may be cited as “The Real Property Act, No. 4.”