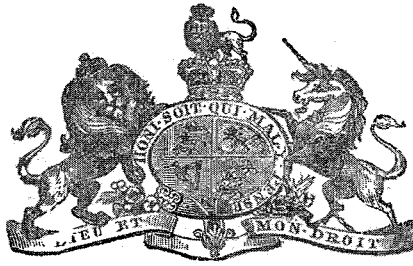


New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Discretionary power of Registrar. 4. Valuation of instruments. 5. Warrant for issue of certificate in lieu of grant to fix antevesting date. Land to be under Act from such date. 6. No unauthorised right to public reserve acquired by registration. | <ol style="list-style-type: none"> 7. Registrar not bound to attend Court or produce register without Judge's order. 8. Probate granted out of colony to have same effect as if granted in New Zealand. 9. Succession order not necessary where Supreme Court has granted probate. 10. Registrar may issue certificate of title to purchaser under "The Rating Act, 1882." 11. Amendment of section 177 of said Act. |
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1889, No. 29.

Title.

AN ACT to amend "The Land Transfer Act, 1885."

[16th September, 1889.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Land Transfer Act 1885 Amendment Act, 1889."

Interpretation.

2. In this Act "the said Act" means "The Land Transfer Act, 1885."

Discretionary power of Registrar.

3. The Registrar may, at his discretion, dispense with the requirements of section seventy-six of the said Act, as to the mode of description in any instrument of the land, estate, or interest intended to be dealt with, if such Registrar shall be satisfied that the description given is sufficient to identify such land, estate, or interest.

Valuation of instruments.

4. No instrument purporting to deal with any land, estate, or interest under the said Act shall be or be deemed to have been invalid or ineffectual by reason only that the same may purport to have been executed at a time when the person executing the same was not actually registered as the proprietor of such land, estate, or interest.

Warrant for issue of certificate in lieu of grant to fix antevesting date.

5. The land comprised in any certificate of title issued or hereafter to be issued in lieu of a Crown grant shall be deemed to have been subject to the provisions of the said Act as from the date fixed by the Governor's warrant as the date of acquisition of title thereto; and such date shall, for all purposes whatsoever, be deemed the antevesting date, in the same manner as if such antevesting date had been inserted in a Crown grant of the said land.

Land to be under Act from such date.

The reference to such antevesting date in any certificate of title purporting to be issued in pursuance of such warrant shall be con-

clusive evidence of such date, and that the same was fixed by the Governor's warrant, as in such certificate is set forth and stated :

Provided always that this and the next preceding section shall not be construed to validate or enable the registration under the said Act of any instrument heretofore executed by any aboriginal native owner, so far as such instrument was not valid or capable of registration prior to the passing of this Act.

6. No right to any public road or reserve shall be acquired, or be deemed to have been acquired, by the unauthorised inclusion thereof in any certificate of title or by the registration of any instrument purporting to deal therewith otherwise than as authorised by law.

No unauthorised right to public reserve acquired by registration.

7. Section two hundred and nineteen of the said Act is hereby repealed, and in lieu thereof it is enacted that no Registrar of Deeds or District Land Registrar shall be bound to produce in any Court of law or elsewhere than in the Land or Deeds Registry for the district any register or other document in his custody as such Registrar, or to attend before any Court or elsewhere to give evidence as such Registrar, except by order of a Judge of the Supreme Court, which order shall not be made unless such Judge is satisfied that such attendance or production is necessary, and that the required evidence cannot be given by certified copy of such register or instrument.

Registrar not bound to attend Court or produce register without Judge's order.

8. Every probate of will or administration of the estate of a deceased person granted in any part of Her Majesty's dominions outside of New Zealand since the coming into operation of "The Administration Act, 1879," shall, when resealed by the Supreme Court in New Zealand, have the same effect as regards the real as well as the personal estate of such deceased person as if such probate or administration had been originally granted in the colony.

Probate granted out of colony to have same effect as if granted in New Zealand.

9. Every probate heretofore granted or hereafter to be granted by the Supreme Court or by a District Court of the will of any deceased aboriginal native shall have the same effect as regards the real estate of such Native as a probate granted by the same Court of the will of a person not of the Native race; and no order or certificate of the Native Land Court shall be necessary to ascertain or confirm the title of any person claiming under such will or probate, anything in "The Native Land Court Act, 1886," to the contrary notwithstanding.

Succession order not necessary where Supreme Court has granted probate.

10. When a transfer shall have been registered without production of the outstanding certificate of title, under section forty-five of "The Rating Act, 1882," it shall be lawful for the Registrar, if he shall be satisfied that such outstanding certificate cannot be got in and cancelled, to issue a new certificate in the name of the purchaser without such cancellation, and for that purpose to cancel the existing folium of the register.

Registrar may issue certificate of title to purchaser under "The Rating Act, 1882."

11. Section one hundred and seventy-seven of the said Act is hereby amended by striking out the following words: "and also upon the registration of the title to an estate of freehold in possession in land derived through the will or intestacy of a previous proprietor or under any settlement."

Amendment of section 177 of said Act.