

SUPPLEMENTARY ORDER PAPER.

LEGISLATIVE COUNCIL.

Tuesday, the 2nd day of August, 1870.

The Honourable Mr. SEWELL, in Committee on the Real Property Bill, to move the following amendments:—

In clause 1, to omit "Real Property" and insert "Land Registry" in lieu thereof.

In clause 3, to omit all the words between "messuages" in line 6 to "excepted" in line 14 inclusive, and insert in lieu thereof "all corporeal hereditaments of every kind and description, together with all easements and privileges thereunto appertaining."

In clause 5, line 3, after "lawfully done" to insert "within his district."

In clause 13, after "consent in such application" in line 15, to insert—

"By any person or persons having power legally or equitably to dispose of the fee-simple in possession, but if subject to the consent of any other person or persons then with such consent."

In clause 14, to add to the clause the words "and he shall append to his application a map of the land to which it relates, with proper references to the maps in use in the Land Registry Office."

In clause 17, to fill up the blank in line 14 with the words "Province in which the land is situate."

In clause 29, line 5, after "thereon" to insert "or on an opposite or some other page or pages corresponding with such folium." In same line, after "particulars" to insert "or memorials." To add to the clause "and such record may be made by references, alphabetical or numerical, to books in which the registered instruments shall be recorded."

In clause 30, to omit the words between "of an estate" in line 1 to "life or lives" in line 3 inclusive, and insert "of land under the provisions of this Act" in lieu thereof. In lines 3 and 4, to omit "the same" and insert "such land" in lieu thereof. In lines 5 and 6, to omit "of freehold." In line 6, after "issued" to insert "and the date of issue." To add to the clause "Provided that in the case of titles registered without investigation, the certificate of title shall express that fact legibly on its face."

In clause 31, line 4, after "register book" to insert "up to the date of the certificate." In line 8, to omit "is" and insert "was at the date of the certificate."

In clause 37, to prefix at the beginning of the clause "As against the title of any person to land, or to any charge thereon, or interest therein acquired under any registered instrument." In line 4, after "any" to insert "such unregistered." To add to the clause, "Provided nevertheless, that as between the parties to such instrument and the heirs executors administrators and assigns of such parties respectively, such instrument shall, before registration, be of the same force and effect as if this Act had not been passed."

To erase clause 39.

In clause 40, line 3, to omit "shall" and insert "may" in lieu thereof. To add to the clause "and the memorandum of transfer so executed shall effectuate such transfer accordingly, subject to such leases mortgages and other encumbrances."

In clause 45, line 3, to omit "shall" and insert "may" in lieu thereof.

In clause 50, line 3, to omit "shall" and insert "may" in lieu thereof. In line 8, to omit "shall" and insert "may" in lieu thereof.

In clause 52, line 2, to omit "one" and insert "five" in lieu thereof. In line 25, after "occasioned by such sale" to insert "Secondly, In payment of prior mortgages or encumbrances, if any." To add to the clause "Provided that no rights hereby conferred upon any puisne mortgagee or encumbrancee shall affect the rights of any prior mortgagee or encumbrancee."

To erase clause 64.

In clause 66, line 4, to fill up the blank with the words "the Province in which the land is situate."

In clause 78, line 6, to fill up the blank with the words "the Province in which the land is situate."

To erase clause 99.

In clause 104, line 2, after "persons" to insert "being Solicitors of the Supreme Court."

In clause 106, to add to the clause "and all fees received under this Act shall be deemed to be part of the Consolidated Revenue of the Colony, and shall be accounted for accordingly."

In Schedule A, line 1, to erase "Act" and insert "Land Registry Act, 1870." In lines 10 and 11, to erase the words "in the plan of the District [Township or County] of as delineated." In lines 11 and 12, to omit "of the Province deposited in the" and insert "in use in the Land Registry Office" in lieu thereof.

In Schedule C, after "Certificate of Title" in line 1, to insert [*If without investigation, then add the word "uninvestigated."*] In line 5, after "person" to insert [*In the case of land registered without investigation, add the words "and to any adverse estate interest or title subsisting in or to such land on the day of"*]

New Clauses.

To follow clause 3,—

The Governor may appoint by warrant under his hand one or more (not exceeding in the whole three) Land Titles Commissioners, a Registrar-General, and any number of Deputy Registrars-General not exceeding and any number of Solicitors not exceeding and may assign to such Deputy Registrars-General and such Solicitors such districts within which they may respectively exercise their functions.

To follow clause 8,—

All the powers by this Act vested in the Land Titles Commissioners may be exercised by them jointly or by any one of them separately, with such limitations as regards the district within which such power may be exercised as the Governor in Council shall from time to time appoint.

To follow clause 25,—

If any person shall be desirous of registering his title to land under this Act without investigation, he or they may make application accordingly: Provided that in the form of application shall be added the following words at the end of such application: "and I am desirous of registering my title without investigation."

Upon the receipt of such application the Registrar-General or Deputy Registrar-General, as the case may be, shall satisfy himself by such evidence as he may think expedient, that the applicant is entitled to the land in fee-simple, or is absolutely entitled to dispose thereof; and if so satisfied, he shall cause such application to be advertised three times in at least one newspaper published in the Province in which the land is situate, and elsewhere as he may think fit; and to be published in the *New Zealand Gazette*.

If upon the expiration of months from the publication of the first of such advertisements, the Registrar or Deputy-Registrar shall remain satisfied that the applicant is so entitled as

aforesaid, the applicant shall be entitled to be registered as proprietor, subject to such charges interests or encumbrances affecting the land as may be brought to the knowledge of the Registrar-General or Deputy Registrar-General. And the Registrar-General or Deputy Registrar-General shall require the last, and if he shall think fit any other deed or deeds of conveyance or disposition relating to the title to such land to be produced, and shall cause to be written or stamped on the outside thereof the words "Registered in the Registry of Land for the Colony of New Zealand," and he may either return such deed or deeds to the applicant, or at the request of the applicant, and subject to any general rules, he may retain the same and any other deeds papers opinions of counsel certificates and other evidences relating to the title to such land, for the inspection of purchasers and others.

To follow clause 31,—

Every certificate of title issued without investigation shall be taken to be subject in equity—(1) To any adverse estate interest or title subsisting in or to the land at the date of the issue of the certificate; (2) To the encumbrances, if any, entered on the register."

To follow clause 32,—

Provided that, at the expiration of twenty years from the date of such certificate, every such adverse estate interest or title shall be finally and for ever barred and extinguished, unless some suit respecting the same shall have been commenced and prosecuted within such period of twenty years, and shall be actually pending at the expiration of such period, in which case the title shall abide the result of such suit.

To follow clause 98,—

Such maps or plans may be used for purposes of reference under this Act as shall from time to time be approved of by the Registrar-General, copies whereof, signed by the Registrar-General, shall be deposited in the Land Registry Office.

To follow clause 134,—

The Governor may from time to time, by Proclamation in the *New Zealand Gazette*, constitute districts within which this Act may, on and from a day therein named, be brought into operation, and may assign each of such districts respectively to a Deputy Registrar, each of whom may exercise, within the district so assigned to him, but not elsewhere, the powers hereby vested in him: And the Registrar-General may be appointed and act as a Deputy Registrar within a particular district.

This Act shall be brought into operation within each district of the Colony by such Proclamation as aforesaid, and not sooner or otherwise.

It shall be lawful for the Governor in Council from time to time to make rules orders and regulations for the following purposes:—

- (1.) For making authenticating and preserving maps and surveys for the purpose of registration.
- (2.) For regulating the procedure of the several offices of the Land Titles Commissioners, Registrars-General, and Deputy Registrars-General.
- (3.) For establishing forms books deeds and indices requisite for the purposes of this Act.
- (4.) And generally for the regulation of all matters relating to registration under the Act.

And from time to time to rescind, add to, amend, or alter the same.

All such rules orders and regulations, being published in the *New Zealand Gazette*, shall have the effect of law.

All Stamp duties imposed by any Act of the General Assembly upon instruments affecting land shall attach to and be payable in respect of instruments of a like nature in operation under this Act.