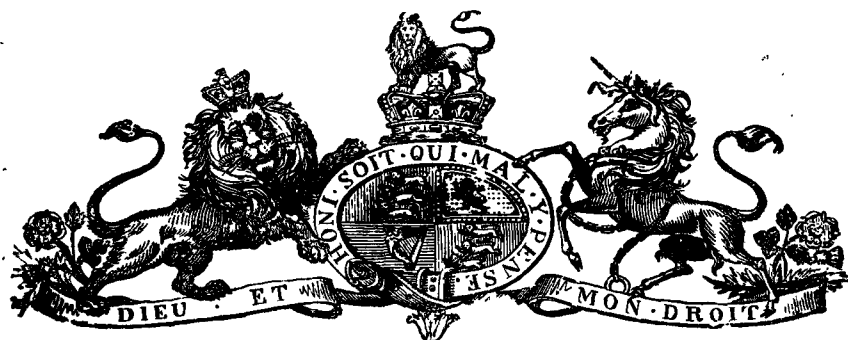


NEW ZEALAND.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. 28.

ANALYSIS:

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Definition of "Instrument."<br/>3. All acts and powers under said Ordinance to be hereafter done and exercised by Governor.<br/>4. Governor to exercise powers given to Superintendents of Auckland and New Plymouth by Registration Act and Ordinance of those Provinces respectively.<br/>5. Authenticated copies of wills may be registered.<br/>6. Result of such Registration.<br/>7. Instruments may be registered before issue of Crown Grants.<br/>8. Effect of such Registration.<br/>9. Operation of such Registration.</p> | <p>10. Powers of Attorney may be deposit in Register Office.<br/>11. Instruments under covenant for production may be deposited, and covenantors thereby released.<br/>12. Instruments may be deposited in lieu of entering into covenant for production.<br/>13. Deposited instrument, and Powers of Attorney to be numbered, &amp;c.<br/>14. Registrar shall keep instruments and arrange same, and make indices.<br/>15. Receipts, searches, certified copies and fees, as under recited Ordinances and Acts.<br/>16. Receipts and certified copies admissible as evidence of deposit.<br/>17. Act to be construed as part of recited Ordinances and Acts.<br/>18. Commencement of Act.</p> |
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**AN ACT to amend the Law relating to the Registration of Deeds in the Colony of New Zealand [2nd November, 1860.]** Title.

**WHEREAS** by an Ordinance passed by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, intituled, "An Ordinance to provide for the Registration of Deeds and Instruments affecting real property," provision was made for the Registration of Deeds and other instruments in the Colony of New Zealand: And whereas by certain Acts and Ordinances passed by the Superintendents and Provincial Councils of several of the Provinces of the Colony, the respective Super- Preamble.

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intendents thereof are empowered to do all the acts, and exercise all the powers authorised to be done and exercised by the Governor by the said recited Ordinance: And whereas it is expedient that the said several acts and powers should be hereinafter done and exercised solely by the Governor of the Colony:—

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

Short Title.

I. The Short Title of this Act shall be, "The Registration of Deeds Amendment Act, 1860."

Definition of "Instrument."

II. The word Instrument shall extend to any Crown Grant, Deed, Contract, Will, or any Covenant authorised to be registered under the Ordinances and Act herein recited.

All acts and powers under said Ordinance to be hereafter done and exercised by Governor.

III. All the acts authorised or required to be performed, and all the powers conferred upon or given to the Governor by the said recited Ordinance, shall henceforth be performed by the Governor of the Colony, and by no other person.

Governor to exercise power given to Superintendents of Auckland and New Plymouth by Registration Act and Ordinance of those Provinces respectively.

IV. And whereas by an Act passed by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof, intituled, "The Deeds Registration Act, 1856," and by an Ordinance passed by the Superintendent of the Province of New Plymouth, with the advice and consent of the Provincial Council thereof, intituled, the "Deeds Registration Amendment Ordinance, 1857," certain acts are authorised or required to be done, and certain powers to be exercised by the Superintendents of the said Provinces respectively, and it is expedient that such acts and powers should be hereafter done and exercised by the Governor: Be it therefore enacted that,

All the acts authorised or required to be done, and all the powers conferred upon and given to the Superintendent of the Province of Auckland, and the Superintendent of the Province of New Plymouth, by the said recited Act and Ordinance of the Superintendents and Provincial Councils thereof respectively, shall henceforth cease to be performed and exercised by the Superintendent of the Province of Auckland and the Superintendent of the Province of New Plymouth, and shall and may be performed and exercised by the Governor, and by no other person.

Authenticated copies of wills may be registered.

V. And whereas it is expedient to make further provision for the Registration of Wills under the said recited Ordinances and Act respectively: Be it therefore enacted that,

Whenever it shall be made to appear to the satisfaction of a Judge of the Supreme Court upon a summary application that any Will cannot be produced for the purpose of being registered, it shall be lawful for such Judge on the production of a copy authenticated to his satisfaction, to authorise by writing under his hand, to be endorsed on such copy, that the same may be registered instead of the original Will.

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VI. On such authenticated copy being registered, all the provisions of the said recited Ordinance, Session 2, No. 9, and "The Deeds Registration Act, 1856," and "The Deeds Registration Amendment Ordinance, 1857," respectively, shall apply to the same as though such authenticated copy were the original instrument.

Result of such Registration.

VII. Instruments relating to Waste Lands of the Crown purchased of the Crown or of the New Zealand Company, or the Canterbury Association for founding a Colony in New Zealand, may be registered pursuant to the provisions of the said Ordinance No. 9, Session 2, "The Deeds Registration Act, 1856," and "The Deeds Registration Amendment Ordinance, 1857," respectively, notwithstanding the non-issue of a Crown Grant or Conveyance of such Land.

Instruments may be registered before issue of Crown Grants.

VIII. All Instruments which may be so registered, and all Deeds and Instruments heretofore registered, notwithstanding such non-issue as aforesaid, shall have the same force or effect as between the parties to such Deeds, and all persons claiming by, from, through, under, or in Trust for them, but no further or otherwise, as if the Crown Grants or Conveyances had been duly issued prior to such registration.

Effect of such Registration.

IX. The issue of a Crown Grant of Land subsequent to the registration of any Instrument relating to such land, shall give, and be deemed to have given, to such Instrument the like operation and effect under the said Ordinance No. 9, Session 2, and "The Deeds Registration Act, 1856," and "The Deeds Registration Amendment Ordinance, 1857," respectively, as if such registration had taken place subsequent to the issue of the Crown Grant.

Operation of such Registration.

X. Every Power of Attorney affecting real estate, with the verifications (if any) of the due execution of the same, may be deposited at the Register Office, for safe custody and reference.

Powers of Attorney may be deposited in Register Office.

XI. Any person having possession of any Instrument authorised to be registered by the said Ordinance No. 9 of Session 2, "The Deeds Registration Act, 1856," and "The Deeds Registration Amendment Ordinance, 1857," or by this Act, or of any Power of Attorney, which he or any other person may have covenanted to produce, may deposit such Instrument or Power of Attorney in the Register Office, for safe custody and reference, and such deposit shall operate as a release and discharge from every covenant which may have been entered into for the production of the same.

Instruments under covenant for production may be deposited, and covenants thereby released.

XII. Any person upon whom it may be incumbent to enter into a covenant for the production of any Instrument authorised to be registered by the said Ordinance No. 9, of Session 2, "The Deeds Registration Act, 1856," and "The Deeds Registration Amendment Ordinance, 1857," or by this Act, or of any Power of Attorney, may deposit the same at the Register Office for safe

Instruments may be deposited in lieu of entering into covenants for production.

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custody and reference, in lieu of entering into such covenant for production.

Deposited Instruments and Powers of Attorney to be numbered, &c.

XIII. Immediately upon any Instrument or Power of Attorney being deposited as aforesaid, the Registrar shall, in the presence of the party depositing the same, number the same, and make a note thereon of the day and hour of the receipt thereof, and shall stamp the same at the end of such note with the seal of the Register Office. All Instruments and Powers of Attorney deposited as aforesaid, shall be numbered consecutively, from one upwards.

Registrar shall keep instruments and arrange same, and make indices.

XIV. The Registrar shall securely keep in the Register Office, and not permit to be removed therefrom (except in obedience to legal process for the production thereof), all Instruments and Powers of Attorney so deposited as aforesaid, and shall cause the same to be arranged in some convenient manner, and an alphabetical index made thereto, for easy reference, which index shall shew the number marked by the Registrar, the date of the deposit, and the marks and numbers (if any) on such Instruments or Power of Attorney by which the land comprised therein is designated.

Receipts, searches, certified copies and fees, as under recited Ordinances and Acts.

XV. In respect of Instruments and Powers of Attorney deposited under this Act, receipts shall be given, examinations or searches may be made, certified copies and extracts shall be supplied, and such copies and extracts shall be secondary evidence, registration in certain cases shall be compulsory, and the like fees (except for recording) shall be payable, in the same manner as is provided in reference to all such matters in respect of Instruments deposited for registration under the authority of the said recited Ordinance No. 9 of Session 2, "The Deeds Registration Act, 1856," and "The Deeds Registration Amendment Ordinance, 1857."

Receipts and certified copies admissible as evidence of deposit.

XVI. Receipts given in pursuance hereof shall specify, in addition to the particulars required by the said Ordinance No. 9 of Sess. 2, "The Deeds Registration Act, 1856," and "The Deeds Registration Amendment Ordinance, 1857," respectively, the date of the Instrument or Power of Attorney, the parties thereto, and the marks and numbers therein (if any) by which the land comprised therein is designated. Every such receipt, and also a certified copy of any Instrument or Power of Attorney, shall be admissible as evidence that the Instrument or Power of Attorney to which the same has reference has been deposited in the Register Office, in pursuance of the provisions hereof.

Act to be construed as part of recited Ordinances and Act.

XVII. This Act shall be read and construed as part of the said recited Ordinance, No. 9, of Session 2, "The Deeds Registration Act, 1856," and "The Deeds Registration Amendment Ordinance, 1857," respectively.

Commencement of Act.

XVIII. The whole of this Act, except Sections 3 and 4, shall come into operation on the passing hereof, and the said Sections 3 and 4 at the end of the next Session of the General Assembly.