

New Zealand.

ANNO TRICESIMO

V I C T O R I Æ R E G I N Æ .

No. 29.

ANALYSIS.

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AN ACT to amend "The Lands Clauses Consolidation Act 1863." Title.

[8th October 1866.]

WHEREAS doubts have been raised whether by the provisions of "The Lands Clauses Consolidation Act 1863" persons under disability and others having only limited interests in the lands proposed to be taken for any such undertaking as in the said Act is referred to are enabled to sell convey or release or enter into agreements for the sale conveyance or release of the lands to which they are entitled or of their interests therein and it is expedient to remove such doubts Preamble.

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

I. The Short Title of this Act shall be "The Lands Clauses Consolidation Act Amendment Act 1866." Short Title.

II. This Act shall be taken and read as part of "The Lands Clauses Consolidation Act 1863" and section two of the said Act shall be applicable to the interpretation of this Act. Interpretation.

III. It shall be lawful for all parties being seised possessed of or entitled to any such lands or any estate or interest therein to sell and convey or release the same to the promoters of the undertaking and to enter into all necessary agreements for that purpose and particularly it shall be lawful for all or any of the following parties so seised possessed or entitled as aforesaid so to sell convey or release (that is to say) all corporations tenants in tail or for life married women seised in their own right or entitled to dower guardians committees of lunatics and idiots trustees in trust for charitable or other purposes executors and administrators and all parties for the time being entitled to the receipts of the rents and profits of any such lands in possession or subject to any estate in dower or to any lease for life or for lives and years or for years or any less interest and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties other than married women entitled to dower or lessees for life Parties under disability enabled to sell and convey.

Land Clauses Consolidation Act Amendment.

or for lives and years or for years or for any less interest not only on behalf of themselves and their respective heirs executors administrators and successors but also for and on behalf of every person entitled in reversion remainder or expectancy after them or in defeasance of the estates of such parties and as to such married women whether they be of full age or not as if they were sole and of full age and as to such guardians on behalf of their wards and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively and that to the same extent as such wives wards lunatics and idiots respectively could have exercised the same power under the authority of this or the special Act if they had respectively been under no disability and as to such trustees executors and administrators on behalf of their cestuique trusts whether infants issue unborn lunatics femmes covert or other persons and that to the same extent as such cestuique trusts respectively could have exercised the same powers under the authority of this and the special Act if they had respectively been under no disability.

Parties under disability to exercise other powers.

IV. The power in the said Act to release lands from any rent charge or incumbrance and to agree for the apportionment of any such rent charge or incumbrance shall extend to and may lawfully be exercised by every party by the said Act or this Act enabled to sell and convey or release lands to the promoters of the undertaking.

Amount of compensation how to be ascertained and paid.

V. The purchase money or compensation to be paid for any lands to be purchased or taken from any party under any disability or incapacity and not having power to sell or convey such lands except under the provisions of this or the special Act and the compensation to be paid for any permanent damage or injury to any such lands shall not except where the same shall have been determined by the verdict of a jury or by arbitration or by the valuation of a surveyor appointed by two Justices under the provision or in the said Act contained be less than shall be determined by the valuation of two able practical surveyors one of whom shall be nominated by the promoters of the undertaking and the other by the other party and if such two surveyors cannot agree in the valuation then by such third surveyor as any two Justices shall upon application of either party after notice to the other party for that purpose nominate and each of such two surveyors if they agree or if not then the surveyor nominated by the said Justices shall annex to the valuation a declaration in writing subscribed by them or him of the correctness thereof and all such purchase money or compensation shall be deposited in the Colonial Treasury for the benefit of the parties interested in the manner in the said Act mentioned.

Conveyances &c. made since passing of "The Lands Clauses Consolidation Act 1863" which would have been valid if this Act had been in force declared valid.

VI. All conveyances contracts and transactions in land made entered into or effected since the passing of the said Act which would have been legal and valid if the provisions of this Act had been in force and had been incorporated in the said Act at the time of the making entering into or effecting such conveyances contracts and transactions shall be deemed to have been valid as from the time of the making entering into or effecting the same.

WELLINGTON, NEW ZEALAND :

Printed under the authority of the New Zealand Government by GEORGE DIDSURRY, Government Printer.