

# Crown Grants Amendment Act 1870

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**An Act to amend “The Crown Grants Act 1866.”****Preamble.**

WHEREAS by “The Crown Grants Act 1866” in this Act called “the said Act” it is enacted that certain fees shall be paid upon Crown Grants and upon duplicates of Crown Grants

And whereas by “The Crown Grants Amendment Act 1867” in this Act called “the said Amendment Act” it is enacted that certain grants shall not be subject to the fees imposed by the said Act

And whereas by “The Deeds Registration Act 1868” it is enacted that every Crown Grant of land shall before the same shall be delivered to the grantee or other the person entitled to receive the same be registered in the registration district within which the land comprised in such grant shall be situate

And whereas it is expedient to remove all doubt as to the persons liable to pay the said fees and the fees for the registration of every Crown Grant and as to the mode of recovering such fees

**Be it therefore enacted by the General Assembly of New-Zealand in Parliament assembled and by the authority of the same as follows—**

**1 Short Title.**

The Short Title of this Act shall be “The Crown Grants Amendment Act 1870.”

*ANTEVESTMENT***2 Expression “Crown Lands” in 26th section of “Crown Grants Act 1866” interpreted.**

In lieu of the words “Crown Lands” where they appear in the twenty-sixth section of “The Crown Grants Act 1866” there shall be inserted the words following that is to say “lands comprised in grants from the Crown” and the said Act and the said Amendment Act shall be construed and read as if the said last-mentioned words had been originally inserted in the said twenty-sixth section of the said Act in lieu of the words “Crown Lands.”

*RECOVERY OF FEES***3 Grantees liable for Crown Grant fees and registration fees.**

The grantees named in every Crown Grant of land shall be jointly and severally liable to pay the fees by the thirty-seventh and thirty-ninth and fortieth sections of the said Act payable in respect thereof and also the fees for the registration thereof under the said “Deeds Registration Act 1868.”

**4 All persons in whom legal estate is vested liable to pay fees.**

All persons in whom any legal estate of inheritance in the whole or any part of the land comprised in any Crown Grant shall be vested whether such persons be beneficial owners or trustees or mortgagees shall be jointly and severally liable to pay the fees in the last preceding section mentioned A certificate signed by the Registrar or Deputy Registrar of Deeds for the Registration District in which such land is situate stating that upon inspection of the Crown Grant and of the books in his office it appears that a legal estate of inheritance in all the land comprised in such Crown Grant appears to be vested in any persons shall for the purposes of this Act be conclusive evidence of the facts therein certified Such certificate may be in the form in the First Schedule hereto and it shall be accepted in evidence without proof of the signature or official character of the officer whose signature it purports to bear.

**5 Trustee and mortgagee paying fees may charge the same.**

Every trustee or mortgagee who shall have paid any fees upon any Crown Grant under the last preceding section shall be entitled to charge the same as part of the necessary expenses of fulfilling his trust or to add the same to the mortgage debt as the case may be And every person who shall have paid any such fees in respect of a Crown Grant shall have a lien thereon for the fees so paid.

**6 Fees how recoverable.**

The said fees shall be recoverable by the Receiver of Land Revenue for the Province or County in which the land comprised in the grant shall be situate and not by the Commissioner of Crown Lands and shall be recoverable upon complaint in a summary way before a Resident Magistrate or any two Justices of the Peace The complaint may be in the form in the Second Schedule hereto The Resident Magistrate or Justices hearing any complaint under this Act shall have the same powers and jurisdiction in all respects as in the case of complaints made under “The Justices of the Peace Act 1866.”

**7 In the case of Native Land Grants.**

The power of recovering expenses given by section fourteen of “The Crown Grants Act 1866” to the Commissioner of Crown Lands and other powers in that behalf given by this Act to the Receiver of Land Revenue are hereby in relation to Crown Grants issued by virtue of any order of the Native Lands Court extended to and may at any time be exercised by the Inspector of Surveys or other person duly authorized by him in that behalf.

*REGISTRATION AND DELIVERY OF GRANTS***8 Crown Grant not to be registered till fees paid.**

No Crown Grant shall be registered until the fees payable thereon including the fees for registration have been paid and delivery to the proper Registrar of Deeds for registration with a direction that the grant be delivered after registration to any person shall be deemed a delivery to such person.

**9 In case of dispute as to whom Crown Grant should be delivered it may be deposited.**

When any dispute shall arise as to the person to whom any Crown Grant of land ought to be delivered it shall be lawful for the officer for the time being having the custody thereof upon payment by any person of all the fees payable in respect thereof and for the registration and deposit thereof to cause the same to be registered in the proper registration office and afterwards to deposit the same for safe custody and reference under "The Deeds Registration Act 1868" and such officer and every other person shall be thereby indemnified against all actions suits claims and demands in respect of such grant.

*CORRECTIONS IN GRANTS***10 Corrections in grants.**

All corrections required in Crown Grants before the execution thereof or copies of the same shall be made in the office in which such grants or copies are required by law to be prepared.

**11 Right of road in grant to include railways.**

Every reservation of right of roads made by the Crown in any Crown Grant whether by words of reservation in such grant or implied by the exercise of any power given by Act of Assembly shall be held and taken to include the right to make railways over and upon such reserved roadways.

**SCHEDULES****FIRST SCHEDULE**

I hereby certify that, upon inspection of the Crown Grant of [*State the numbers of the sections or blocks of land granted and the District and Province, as appearing in the grant*] dated the            day of            18            and the books in the office of the Registrar of Deeds            at it appears that a legal estate of inheritance in the whole of the lands comprised in the said grant is vested in [*State names and descriptions of persons in whom such legal estate appears to be vested*].

Dated this            day of            18

[Deputy] Registrar of Deeds for the Registration

District of            .

**SECOND SCHEDULE**

Province [County] of            in the Colony of New Zealand.

The Complaint of R.L., Receiver of Land Revenue for the Province [or County] of            who cometh before me, J.S., Esquire, one of Her Majesty's Justices of the Peace for the Colony of New Zealand, this            day of            18            and complaineth that certain fees, amounting in the whole to the sum of £            are now due and payable in respect of a certain Crown Grant of [*Describe land by numbers of sections or blocks and name of District and Province or County, as in grant*], and that A.B. of            is [*or are*] the grantee [*or grantees or one of the grantees*] named in the said grant [*or and that a legal estate of inheritance in the land comprised in the said grant is now vested in A.B. of            and C.D. or A.B. of            and others*].

Taken before me, on the day and year first above written, at            in the Province [*or County*] aforesaid.

J.S.