

Land Transfer Act 1870 Amendment Act 1883

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An Act to amend “The Land Transfer Act, 1870.”

BE IT 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 is “The Land Transfer Act 1870 Amendment Act, 1883.”

2 Interpretation.

In this Act the “said Act” means “The Land Transfer Act, 1870,” and all its amendments.

3 Supreme Court may investigate claim to be registered as proprietor where deed lost or destroyed.

In case of the loss or destruction before registration thereof of any instrument executed by a registered proprietor for the purpose of creating, transferring, or otherwise dealing with any estate or interest in land, or any mortgage or incumbrance affecting land under the said Act, it shall be lawful for the person claiming to be entitled to be registered as proprietor of any estate or interest by virtue of such lost instrument to make application to the Supreme Court to have such claim investigated and declared; and upon proof to the satisfaction of the Court of such loss or destruction as aforesaid, and that such instrument has not been wilfully destroyed by or with the connivance of the applicant, and that the applicant is entitled to be registered as aforesaid, and that due notice of such application has been given to the registered proprietor of the land, estate, or interest intended to be affected, and to all other necessary parties, it shall be lawful for the Court to make an order defining and declaring the estate or interest of the applicant under such instrument, and requiring the District Land Registrar to register him as proprietor thereof, and the Registrar shall obey such order; and such registration shall have the same effect as from the date thereof as if the original instrument had been duly registered.

4 Court to be guided by real justice.

The Court shall, in hearing and deciding upon any case under this Act, be guided by the real justice of such case, and shall direct itself by such evidence as may seem to it most suitable to the circumstances of such case.

5 Covenant for further assurance to be implied in instruments under Land Transfer Acts.

In any instrument of sale or lease executed in accordance with the provisions of the said Act there shall be implied, on the part of the vendor or lessor, a covenant that he will, when called upon so to do by the vendee or lessee, execute any such further instruments as may be deemed necessary by the vendee or lessee for the farther assuring or perfecting of the title of the vendee or lessee to such estate in the land as purports to be dealt with by the original instrument, the cost of such further assurance to be borne by the vendee or lessee.