

Province of Auckland.



DEEDS ACT.

I THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION 1, No. 5.

ANALYSIS.

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| <p>Title.
Preamble, reciting clause No. 1 of Ord. No. 10, of Session 2 of Legislative Council.</p> <ol style="list-style-type: none">1. Recited clause repealed.2. Signature and attestation of Deeds.3. Deeds executed before passing hereof.4. Deeds releasing Dower need not be acknowledged.5. Registration Ordinance, No. 9, of Sess 2, of Legislative Council, recited, authenticated copies of instruments may be registered by order of Judge of Supreme Court, in certain cases.6. Provisions of recited Ordinance applicable to such copies as to originals.7. Powers of Attorney may be deposited in Register Office.8. Instruments under covenant for production may be deposited, and convenantors thereby released. | <ol style="list-style-type: none">9. Instruments may be deposited in lieu of entering into covenant for production.10. Deposited instruments and Powers of Attorney to be numbered, &c.11. Registrar shall keep instruments, and arrange same, and make indexes.12. Receipts, searches, certified copies, and fees, as under recited Ordinance.13. Receipts and certified copies admissible as evidence of deposit.14. Above clauses, 5 to 13, to be construed as part of recited Ordinance.15. Recites inconvenience, &c., from delay in issuing Crown Grants. Deeds heretofore executed before date of grant, to have same effect as though grant executed when purchase-money paid.16. Such deeds may be registered. |
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AN ACT to provide for the Execution of Deeds, and for other Purposes relating to Real Property. Title.

WHEREAS, by an Ordinance passed by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, entitled, "An Ordinance to facilitate the Transfer of Real Property, and to simplify the Law relating thereto," it is enacted by Clause No. 1, that "Every deed shall be signed by the conveying parties, and shall also be attested by two witnesses; the place of abode of the witnesses, their calling or business, shall be stated; but no particular form of words shall be requisite for the attestation:" And whereas the mode of attestation required by the said Clause has been found inconvenient in practice: be it therefore enacted by the

Preamble, reciting clause No. 1 of Ord. No. 10, of Session 2 of Legislative Council.

Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council, thereof, that

Recited clause repealed.

1. The said recited Clause No. 1, as the same hereinbefore set out, is hereby repealed.

Signature and attestation of Deeds.

2. Every deed shall be signed by the conveying parties, and each signature shall be attested by at least one witness, but no particular form of words shall be requisite for the attestation.

Deeds executed before passing hereof.

3. Every deed executed before the passing hereof, attested as by this Act required, shall, from the execution hereof, be deemed as valid and effectual as if the same had been attested as prescribed in the said Ordinance by the said Clause thereof hereby repealed.

Deeds releasing Dower need not be acknowledged.

4. And whereas it is expedient to facilitate the transfer of Real Property, by rendering the releases of Rights to Dower by Married Women valid, without the same being acknowledged as now required: Be it therefore enacted, that any deed, heretofore or to be hereafter executed by a married women, whereby she releases, extinguishes, or disposes of any Dower or right of Dower in any land, shall not require to be acknowledged by her; but every such deed, if made with the concurrence of her husband, shall be as valid and effectual without any acknowledgment, as though the same had been acknowledged; as was required by law, before the passing hereof.

Registration Ordinance, No. 9, Session 2, of Legislative Council, recited.

5. And whereas an Ordinance, No. 9, of Sess. 2, was enacted 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:" And whereas it is expedient to make further provision in reference thereto: 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 instrument authorized to be registered by the said recited Ordinance, No. 9, of Sess. 2, cannot be produced for such purpose, it shall be lawful for such Judge, on the production of a copy, authenticated to his satisfaction, to authorize by writing under his hand, to be endorsed on such copy, that the same may be registered instead of the original instrument.

Authenticated copies of instruments may be registered by order of Judge of Supreme Court in certain cases.

Provisions of recited ordinance applicable to such copies as to originals.

6. On such authenticated copy being authorized to be registered as aforesaid, all the provisions of the said recited Ordinance (No. 9 of Sess. 2) shall apply to the same, as though such authenticated copy were the original instrument.

Powers of Attorney may be deposited in Register Office.

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

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

8. Any person having possession of any instrument authorized to be registered by the said recited Ordinance (No. 9, of Sess. 2), 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.

9. Any person upon whom it may be incumbent to enter into a covenant for the production of any Instrument authorized to be registered by the said recited Ordinance, (No. 9 of Session 2), or by this Act, or of any Power of Attorney, may deposit the same at the Register Office for safe custody and reference, in lieu of entering into such covenant for production.

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

10. 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.

Deposited instruments and powers of Attorney to be numbered, &c.

11. 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 in the Surveyor General's map.

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

12. 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.

Receipts, searches, certified copies and fees, as under recited Ordinance.

13. Receipts given in pursuance hereof shall specify, in addition to the particulars required by the said recited Ordinance (No. 9 of Session 2), 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 in the Surveyor General's map. 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.

Receipts and certified copies admissible as evidence of deposit.

14. The several clauses hereinbefore numbered 5, 6, 7, 8, 9, 10, 11, 12, and 13, shall be read and construed as part of the said recited Ordinance, No. 9 of Session 2.

Above clauses, 5 to 13, to be construed as part of recited Ordinance.

Recites inconvenience
from delay in issuing
Crown Grants.

Deeds heretofore exe-
cuted before date of
grant to have same
effect as though grant
executed when pur-
chase-money paid.

Such deeds may be
registered.

15. And whereas much delay has frequently taken place after the sale of Crown Lands before the grants of the same have been issued: And whereas between the time of such sales and the date of the said grants many conveyances and other dispositions of the said lands have been made: And whereas, to prevent loss and inconvenience to many persons, it is expedient to cure the defects in the Titles to such Land in manner hereinafter provided: Be it therefore enacted that all deeds heretofore executed by purchasers of Crown Lands, their heirs and assigns, after the purchase of such lands have been made, but before the date of the Crown Grants by which the same have been subsequently granted, shall (for the purpose of completing the titles of parties to such deeds, but for no other purpose,) be deemed to have the same force and effect as though the Crown Grants respectively in which such lands are comprised had been executed immediately upon the payment to the Crown of the purchase money for the same.

16. All such deeds may be registered under the Land Registration Ordinance of the Governor and Legislative Council of New Zealand, No. 9 of Session 2, notwithstanding any thing in the said Ordinance contained.

T. H. BARTLEY,
Speaker.

Passed by the Provincial Council, this
twenty-seventh day of January,
One Thousand Eight Hundred
and Fifty-four.

J. COATES,
Clerk to Provincial Council.

On this fourth day of February, in the year
One Thousand Eight Hundred and Fifty-
four, I assent to this Act on behalf of the
Governor.

R. H. WYNYARD,
Superintendent.