

No. XV.

REAL ESTATE
ADMINISTRATION.

AN ACT to enable the Registrar of the Supreme Court to manage the Real Estate of Deceased Persons.

[27th October, 1860.]

Preamble.

WHEREAS it is expedient to make provision for the temporary management of real estate to which heirs-at-law or devisees absent from the Colony are or may become entitled:

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

Short Title.

1. The Short Title of this Act shall be "*The Real Estate Administration Act, 1860.*"

Interpretation.

2. In the interpretation of this Act the words "Judge" and "Registrar" shall mean respectively the Judge and Registrar of the Supreme Court for that district in which the estate dealt with may be situate.

Registrar to manage real estate of absent heir or devisee.

3. All real estate and all rents income and proceeds arising therefrom accruing or which may have accrued to any heir-at-law or devisee who may be or may have been absent from the Colony at the time of the death of the person from whom such real estate is or was immediately derived, may, until such heir-at-law or devisee shall duly establish his right and title to the possession of such estate to the satisfaction of a Judge of the Supreme Court, or unless such heir-at-law or devisee shall have already taken possession of such estate, be taken possession of managed and received by the Registrar.

Powers of Registrar.

4. For the purposes of this Act, and subject to the provisions thereof, the Registrar shall have and may exercise the same rights and powers as the heir or devisee if he were present.

Purposes for which Registrar may expend money.

5. Out of the rents and proceeds received by the Registrar under this Act in respect of any messuages and land, the Registrar may expend money for the following purposes with respect to the messuages and land from whence the same arise, that is to say,—

May keep any buildings and fences in good repair, and may maintain the same, with their appurtenances, in good order and condition.

May erect any such fence as the owner or occupier of such land is by law required to make.

May cut and gather such crops as may be growing thereon at the time of the testator's decease.

May insure any buildings thereon from loss by fire.

May

Real Estate Administration.

May pay any rates by law due and payable.

May contribute towards the formation of any road footway or improvement projected under the authority of any law by which the Government or any municipal or provincial body make an equal contribution.

With the sanction of the Judge previously obtained, the Registrar may do any other act clearly necessary for the preservation maintenance or improvement of the land with its buildings and appurtenances.

6. The Registrar may from time to time let all or any part of such messuages and land, with the appurtenances, and for such consideration to such person for such period (not exceeding a tenancy from year to year) and subject to such rent covenants and conditions as he shall think fit. Registrar may lease.

7. Rents and other moneys received by the Registrar, after the deduction of such sums as may be expended under the powers hereinbefore contained, shall by him be paid quarterly, by order of the Judge, into the Colonial Treasury, to an account to be called "Real Estate Administration Account. Estate of A.B.," stating the name of the deceased: Provided that after payment as aforesaid of the said rents and moneys into the Colonial Treasury, it shall be lawful for the Judge from time to time to order that such rents and moneys or any part thereof shall be paid to the Registrar, to be applied by him to any of the purposes hereinbefore mentioned, and upon the production of any such order the Colonial Treasurer shall pay the money therein specified to the Registrar. Custody of money.

8. Upon the establishment of the right and title of the heir-at-law or devisee as hereinbefore mentioned, the Judge to whom the application shall be made shall make an order for the payment to him by the Colonial Treasurer of the money in the Colonial Treasury to which he is entitled, and upon the production of such order the Colonial Treasurer shall pay such money to such heir-at-law or devisee. Money to be paid to heir or devisee.

9. The Registrar shall for each estate administered by him under this Act make up for examination and audit annually an account, stating therein in detail the gross receipts and the sums expended under the powers of this Act, with the explanatory particulars of each item, and such account shall be examined by the Judge and allowed by him as correct if he shall be satisfied therewith, and shall be delivered to the Colonial Treasurer and by him be published in the *Government Gazette*: Provided that if the right and title of the heir-at-law or devisee be established as aforesaid before the expiration of any such year, the said account shall be made up to the date of such establishment, and shall be examined delivered and published as aforesaid. Accounts.

10. On the establishment by the heir-at-law or devisee of such right or title as aforesaid, possession of the land with the appurtenances shall be immediately delivered by the Registrar to such heir-at-law or devisee. Possession of land given to heir or devisee.

11. There shall be included and allowed by the Judge in the aforesaid account five per cent. on the gross receipts and expenditure, being an allowance to the Registrar for the performance of his duties under this Act. Allowance to Registrar.