

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 66.

AN ACT to amend "The Crown Grants Act 1866." Title.
[10th October 1867.]

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

1. The Short Title of this Act shall be "The Crown Grants Amendment Act 1867." Short Title.

SIGNING AND CORRECTION OF CROWN GRANTS.

2. Every person who shall commit any one of the following offences shall on being convicted thereof be adjudged guilty of felony and shall be liable at the discretion of the Court to be sentenced to penal servitude for any term not exceeding ten years nor less than two years namely— Penalties on improper use of stamp.
 Every person

- (1.) Who shall knowingly and without express authority from the Governor have in his possession any die plate or other instrument provided for the purpose of attaching the Governor's signature to Crown Grants in manner provided by "The Crown Grants Act 1866" hereinafter called "the said Act."
- (2.) Or who shall without express written authority from the Governor stamp or mark or cause or procure to be stamped or marked any parchment paper or other substance or material whatsoever with any such die plate or other instrument.
- (3.) Or who shall without due authority knowingly utter offer dispose of or put off or shall knowingly and without lawful right or excuse (the proof of which shall be on the party accused) have in his possession any parchment paper or other substance or material having thereon the impression made without the authority aforesaid of such die plate or instrument.

3. The statutory declaration as to the existence of an error in the name of an intended grantee required by section fifteen of the said Act shall in the case of grants made under "The Native Lands Act 1865" and "The Native Lands Act 1867" or to Natives under "The New Zealand Settlements Act 1863" or "The New Zealand Settlements Amendment Act 1864" or "The New Zealand Settlements Amendment and Continuance Act 1865" or "The New Zealand Settlements Acts Amendment Act 1866" or "The Confiscated Lands Act 1867" be made by the Secretary for Crown Lands or a Judge of the Native Lands Court or other officer upon whose award or decision the said grantee became entitled to the grant in which such error occurs. Statutory declarations by whom made in certain cases.

4. The provisions in section sixteen of the said Act shall apply to all grants wherein the name of any person entitled to be included in the grant as a grantee has been erroneously omitted And the power given to the Governor in section twenty of the said Act to cancel Crown Omission of grantee's name.

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Grants in lieu of causing them to be corrected shall extend to any Crown Grants wherein important errors occur and have been proved to the satisfaction of the Governor by statutory declaration or otherwise to exist whatever the nature of such errors may be.

Error in Crown Grant.

5. Whenever an endorsement or marginal insertion in or upon a Crown Grant in correction of an error in the description of the land comprised in such grant is requisite under the provisions of the said Act it shall not be necessary for such endorsement or insertion to contain any subject matter beyond what is absolutely requisite for the description and correction of such error.

DUPLICATES.

Effect of duplicates.

6. Whenever under section thirty-six of the said Act a duplicate of a grant shall have been issued such duplicate shall have the same effect to all intents and purposes as the original grant in lieu whereof it is issued.

ANTE-VESTING OF THE LEGAL ESTATE.

Dates for ante-vestment in certain cases.

7. In all the following cases the dates at which the grantees referred to in section twenty-six of the said Act shall be deemed to have become or to become entitled to receive Crown Grants of their lands shall be—

- (1.) In the case of grantees of land the title to which has been decided in the Native Lands Court the dates of the certificate or interlocutory orders issued by such court with reference to such lands respectively.
- (2.) In the case of Native grantees under "The New Zealand Settlements Act 1863" "The New Zealand Settlements Act Amendment Act 1864" "The New Zealand Settlements Amendment and Continuance Act 1865" and "The New Zealand Settlements Acts Amendment Act 1866" and "The Confiscated Lands Act 1867" the dates aforesaid shall be the dates of the awards of the Compensation Courts or of the awards agreements or decisions of any officer duly authorized in that behalf by the Government in favour of such grantees respectively.
- (3.) In the case of grantees of lands comprised in grants issued or to be issued under sections numbered respectively sixty-seven and sixty-eight of "The Otago Waste Lands Act 1866" or section numbered eighty-four of "The Southland Waste Lands Act 1865" whether such lands or any part of them shall have been surrendered or not under subsection two of section forty of "The Southland Waste Lands Act 1863" the dates aforesaid shall be the respective dates at which such grantees were severally registered or entered as the owners or occupiers thereof in the books of the Waste Lands Board for the Province of Otago at Dunedin or of the Waste Lands Board for the Province of Southland at Invercargill as the case may be.
- (4.) In the case of grantees of lands selected under the eighty-fourth section of "The Southland Waste Lands Act 1865" in respect of the additional ten shillings per acre paid upon lands under subsection one of section forty of "The Southland Waste Lands Act 1863" the dates aforesaid shall be the dates of such selections respectively.
- (5.) In any case where any specified block or section of land has been sold before survey under the Waste Lands Regulations affecting the same and subsequently to the sale thereof ascertained to contain a larger number of acres than it was

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supposed to contain at the sale and the amount in excess has been paid for in accordance with such regulations the date aforesaid shall be with respect to the whole of such block the date of the original purchase of the portion thereof.

All the sections of the said Act relating to the ante-vesting of the legal estate shall be applicable wherever requisite to the classes of grants aforesaid.

8. In any case in which the Commissioner of Crown Lands and Receiver of Land Revenue of any Province shall make a statutory declaration to the effect that an erroneous date has been endorsed or inserted upon or in any Crown Grant as the date for the ante-vestment of the legal estate for the land comprised therein it shall be lawful for the Secretary for Crown Lands by endorsement on such Crown Grant to specify the correct date which under the provisions of "The Crown Grants Act 1866" or of this Act should for the purpose of such ante-vestment have been endorsed thereon or inserted therein. Provided always that if any such error be declared as above to exist in a grant deposited in the office of any Registrar of Deeds in the Colony it shall be lawful for the Commissioner of Crown Lands for the Province wherein the land comprised in the grant is situated upon written instructions to that effect from the Secretary for Crown Lands to make such correction as aforesaid by endorsement on the said grant in the office of the Registrar of Deeds in which such grant is deposited and every such endorsement shall be as effectual for the purpose of ante-vestment as if the date therein named had been originally inserted in or endorsed upon the said Crown Grant in accordance with the provisions of the said Act or of this Act. Provided always that it shall be the duty of such Commissioner of Crown Lands to forward without delay a copy of the said endorsement certified under the hand of such Registrar of Deeds to the Secretary for Crown Lands who shall thereupon cause the same to be attached to the record copy of the grant in his office of which copy it shall thenceforth be deemed to be an integral part.

Erroneous ante-vesting endorsements how to be corrected.

REPEAL OF CROWN GRANTS.

9. Whereas doubts have arisen whether grants from the Crown under the Seal of the Colony of New Zealand may be repealed on proceedings by *scire facias* it is hereby declared and enacted that grants from the Crown under the seal of the said Colony may be repealed on proceedings by writ of *scire facias* issued out of the Supreme Court thereof and the practice and proceedings of the Superior Courts at Westminster in relation to such writs shall be followed so far as applicable to the said Colony.

Repeal of Crown Grants.

CANCELLATION OF GRANTS PRIOR TO 1866.

10. And whereas prior to the passing of "The Crown Grants Act 1866" Crown Grants were occasionally issued under the authority of the Governor of the Colony for the time being in lieu of previous grants for the same lands either cancelled or intended to be cancelled. Be it enacted and it is hereby declared and provided that every grant purporting to have been cancelled under the authority of any Governor of New Zealand and every grant whether formally cancelled or not of the land comprised in which a new grant has been duly issued by any such Governor and recorded in the proper office for the record of the same (but in both cases prior to the passing of the said Act) shall be deemed to be and to have been absolutely void *ab initio* to all intents and purposes whatever. And no grant issued in lieu of such previous grant shall be void or voidable or liable to be set aside

Grants cancelled prior to "Crown Grants Act 1866" declared void.

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on the ground of the prior issue or existence of such previous grant in any court or by any process of law whatever.

FEES.

Fees.

11. No grants issued or to be issued under "The Native Lands Act 1865" or "The Native Lands Act 1867" or under "The Land Claims Settlement Act 1856" or "The Land Claims Settlement Extension Act 1858" shall be subject to the fees imposed on Crown Grants by "The Crown Grants Act 1866."

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