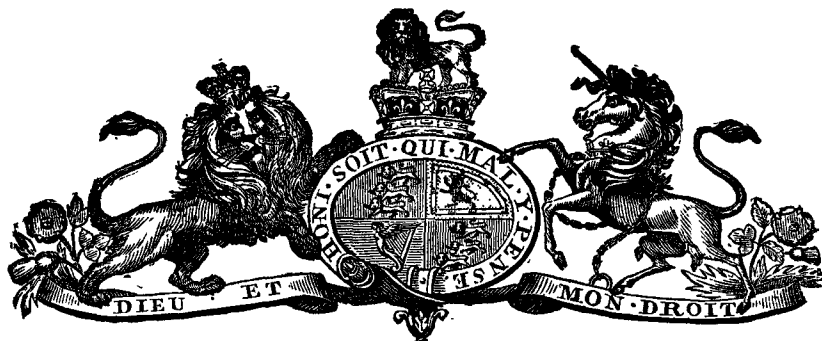


NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. XIX.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. When judgment for rate recovered Superintendent may pay rate. 3. Rate paid by Superintendent to be repayable with interest by persons originally liable. 4. Memorial may be registered against land and rate charged thereon. 5. After twelve months Court may order land to be sold. 6. Notice of sale to be given. 7. Land sold to be conveyed by Superintendent. 8. Memorial of satisfaction may be registered. | <ol style="list-style-type: none"> 9. Mortgagees may pay off moneys chargeable on land. 10. Application of proceeds of sale. Surplus. 11. Surplus to be treated as purchase money of land under Lands Clauses Consolidation Act. 12. Mode of proceeding where owner unknown. 13. Mode of proceeding where owner known but absent from Colony. 14. Interpretation in case of Westland. "Governing body." 15. "Sale for Non-Payment of Rates Act 1862" not to be affected. <p>Schedules.</p> |
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AN ACT to provide for the Sale of Land for the Title.
 Recovery of Arrears of Rates.

[12th September 1870.]

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 Sale for Non- Short Title.
 Payment of Rates Act 1870."

2. Whenever judgment shall have been or shall hereafter be recovered and duly entered up of Record against the owner of any land in the Colony in any Court of competent jurisdiction for the recovery of any rate assessment or other liability imposed upon such land or upon the owner thereof under any Act or Ordinance providing for the construction management or repair of roads streets or highways or the management government or control of the local affairs of any city town district or place or any other rate or assessment for whatever purpose imposed whether for a purpose similar to those before enumerated or not imposed on any land or the owner thereof it shall be lawful for the When judgment for rate recovered Superintendent may pay rate.

Sale for Non-Payment of Rates.

Superintendent of the Province in which such land is situate at any time thereafter on request of the governing body by which such rate assessment or liability shall have been made or assessed to satisfy the amount for the time being remaining due on such judgment by payment thereof out of moneys of the Province of which he is Superintendent for the time being available by law for that purpose Provided always that in no case shall the Superintendent pay over to such governing body any sum exceeding two years' rates in arrear in respect of any land or imposed upon the owner thereof.

Rate paid by Superintendent to be repayable with interest by persons originally liable.

3. Immediately upon such payment being made the amount so paid shall become a debt due from the owner of the said land to the Superintendent of the said Province and his successors bearing interest at the rate of fifteen pounds per centum per annum from the day of such payment And the said Superintendent shall if the owner of the said land be known send to such owner through the Post Office addressed to such owner at his then known place of abode or residence a notice of the amount paid by the said Superintendent on account of such rate or assessment and of the lands in respect of which the same was paid.

Memorial may be registered against land and rate charged thereon

4. The Superintendent for the time being of the said Province may at any time thereafter cause a memorial in the form in the Schedule to this Act signed by such Superintendent or his predecessor to be registered in the Register of Deeds for the Registration District in which the land is situate or by way of inhibition in the Register of Land under "The Land Registry Act 1860" or in both the said registers or in such other Register of Land or Deeds as shall for the time being be in force within the district in which the land is situate and thereupon the amount in the said memorial mentioned with interest thereon at the rate of fifteen pounds per centum per annum from the day of such payment as aforesaid being made shall be charged upon the said land.

After twelve months Court may order land to be sold.

5. If the amount of the said debt and interest at the rate aforesaid or any part thereof shall remain unpaid for twelve months after such memorial be filed in either of the said registers the Superintendent of the said Province may at any time after the expiration of such period apply by petition to the Supreme Court or to a Judge thereof for such order as is hereinafter mentioned and the Court or Judge upon hearing such petition and after such inquiries and after such proof of the material circumstances as to it shall seem fit may make an order for the sale of the land so charged or such part thereof as shall be specified on such petition for the purpose of raising and paying the costs and expenses of proceedings under this Act and of such sale and after the payment thereof then for the purpose of raising and paying the amount of such debt and interest up to the day of satisfaction thereof by such sale and any such petition may include any number of properties though belonging to different owners provided they be sold in respect of non-payment of a rate made by the same governing body.

Notice of sale to be given.

6. No sale of land under this Act shall take place until after six calendar months' previous notice in the *Government Gazette* of the Province, and until the same notice has appeared once a month for three months in one of the principal newspapers in circulation within the Province in which the land is situate and every sale of land under this Act shall be by public auction and be conducted by such person and in such manner as the Superintendent shall direct and shall be for cash only.

Land sold to be conveyed by Superintendent.

7. The conveyance of any land sold under this Act shall be made by the Superintendent of the Province in his own name under the

Sale for Non-Payment of Rates.

Public Seal of the Province and every such conveyance shall be effectual to convey the whole legal and beneficial interest in fee-simple in the land sold subject however to all rights of Her Majesty the Queen her heirs and successors therein.

8. Upon payment or satisfaction of any debt for the recovery of which any memorial may have been registered under the provisions of this Act with interest thereon as aforesaid and of the expenses incurred in and about the registration of such memorial and the Subsequent proceedings if any have been taken it shall be the duty of the Superintendent of the Province to sign a memorial of satisfaction of such rate in the form contained in Schedule B to this Act which memorial of satisfaction may be registered against the land charged by such first-mentioned memorial and upon such memorial of satisfaction being duly registered the land charged by the original memorial shall be exonerated discharged and released from the charge thereby created.

Memorial of satisfaction may be registered.

9. It shall be lawful for the mortgagee of any lands charged with the payment of any moneys under any memorial registered pursuant to the provisions of this Act or for his executors administrators or assigns to pay off and discharge the moneys for the time being payable under and by virtue of any such memorial imposed thereon subsequent to the registering thereof and no part of the lands comprised in such mortgage shall thereafter be redeemed or redeemable until the amount so paid and interest thereon after the rate of fifteen pounds per centum per annum shall have been fully paid and satisfied and all moneys so paid shall be recoverable by the person paying the same in like manner as any other moneys secured by the mortgagee.

Mortgagees may pay off moneys chargeable on land.

10. The proceeds of every sale made under the provisions of this Act shall be applied first in payment to the Public Account of the Province of all expenses incurred hereunder on account of such sale next in payment of the amount of the debt and interest for the time being chargeable on the said land under the order aforesaid such interest being computed up to the day on which the proceeds shall be received by or on behalf of the Province and the residue shall be paid to the Public Account of the Province and placed to the credit of a special account intituled "The Owner of *(describing the land shortly and adding the name of the owner if known)* in account with the Province of " and simple interest on the amount of such residue remaining to the credit of the said special account at the rate for the time being allowed by the Bank to such Province for its credit balances shall be placed to the credit of the said special account on the expiration of each year until the expiration of five years from the day when the same was so paid to the Public Account and thereafter such interest shall cease.

Application of proceeds of sale.

Surplus.

11. All money placed to the credit of any such special account as aforesaid with the interest for the time being accrued thereon shall be dealt with in the same manner in all respects as if the same were purchase money of land taken compulsorily under the provisions of "The Lands Clauses Consolidation Act 1863" and the Acts for the time being in force amending the said Act paid into the Treasury and placed to the credit of a special account as required by the said Act.

Surplus to be treated as purchase money of land under Lands Clauses Consolidation Act.

12. In all cases where judgment for the amount of any such rate assessment or other liability as aforesaid is sought to be recovered against the owner of any land and it is not known who is the owner it shall be sufficient to describe such owner as "the owner of " *(describing the land with reasonable certainty)* and to serve the

Mode of proceeding where owner unknown.

Sale for Non-Payment of Rates.

summons writ or other process in the action or suit by affixing the same on some conspicuous place within the district in which such land is situate and by publishing the same in some newspaper circulated in the Province in which the land is situate and if upon the hearing of any such action or suit or upon motion for judgment by default or upon the trial it shall be made to appear to the Court in which the action is brought or to a Judge of the Supreme Court if the action be in such Court that there is sufficient reason for proceeding under this section the action shall proceed in the same manner as if the said owner had been fully described by name in the process.

Mode of proceeding where owner known but absent from Colony.

13. In all cases where judgment for the amount of any such rate assessment or other liability as aforesaid imposed on any land or the owner thereof is sought to be recovered against the owner of such land and he be known but be not resident within the Colony any summons writ or other proceeding issued with a view of obtaining such judgment against such owner may be served by affixing such summons on some conspicuous place within the district in which such land is situate and by publishing the same in some newspaper circulated in the Province in which the land is situate.

Interpretation in case of Westland.

14. When any land sought to be charged and sold under the provisions of this Act is situate in the County of Westland the Chairman of the County Council of Westland may do all such things and make all such payments as are hereby required to be made or done by the Superintendent and this Act shall in such case be construed in the same manner as if the words "County of Westland" "County Council of Westland" and "Chairman of the County Council of Westland" had been substituted for the words "Province" "Provincial Council" and "Superintendent" wherever they occur in this Act and the forms prescribed in the Schedule to this Act shall be modified accordingly and the term "governing body" where used in this Act shall mean any Council Board Commissioners Wardens Trustees persons or body whether corporate or not.

"Governing body."

"Sale for Non-Payment of Rates Act 1862" not to be affected.

15. Nothing in this Act shall be construed to take away or affect the powers given by "The Sale for Non-Payment of Rates Act 1862" or to repeal or affect the said Act or any Act or Ordinance in which any of the provisions thereof are incorporated nor shall anything in this Act contained be deemed to take away or prejudicially affect any other remedies which the governing body entitled to receive or recover any rate or assessment may have for recovering payment of the same.

Schedules.

SCHEDULES.

SCHEDULE A.

FORM OF MEMORIAL.

BE it remembered, that the Superintendent of the Province of _____ having paid out of the public moneys of the said Province a certain judgment debt of _____ due on a judgment recovered in the _____ against _____ the owner of the land described in the Schedule to this Memorial, the said owner became indebted to the Superintendent of

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the said Province and his successors in the sum of £ bearing interest at the rate
of twenty-five pounds per centum per annum from the day of 18 being
the day on which such payment was made: whereupon this Memorial is made and subscribed
by me the Superintendent of according to the provisions of "The Sale
for Non-Payment of Rates Act, 1870," for the purpose of equitably charging the land
with such amount and interest.

Dated &c.

Signed &c.

SCHEDULE.

[*Describe the land, specifying all the particulars requisite for identifying the same.*]

SCHEDULE B.

FORM OF MEMORIAL OF SATISFACTION.

BE it remembered, that the land described in the Schedule hereto is discharged from
certain arrears of rate assessment or liability charged thereon by virtue of a memorial
dated the day of registered under "The Sale for Non-Payment of Rates
Act, 1870."

Dated &c.

Signed &c.

SCHEDULE.

[*Describe the land, specifying all the particulars requisite for identifying the same.*]

WELLINGTON, NEW ZEALAND:

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