

NEW ZEALAND.

ANNO VICESIMO QUARTO ET VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. 35.

ANALYSIS:

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| <p>Preamble. 1. Short Title. 2. District Registrar may on application of Proprietor and with the authority of the Registrar-General take proceedings. 3. Cases to which the Act applies. 4. District Registrar may cause a corrected Map to be made. 5. Corrected Map may be declared to be the true Map. 6. Notices &c. to be given as may be directed by the Registrar-General.</p> | <p>7. Where other Lands are affected notice to be given to the owners thereof. 8. What deemed good service. 9. District Registrar to proceed according to Regulations. 10. Registrar-General to frame Regulations. 11. Costs to be payable by the applicant. 12. Fee clauses of Land Registry Act 1860 incorporated. 13. Fees to be pre-paid.</p> |
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An Act for Correcting Surveys of Land. Title.
[6th September 1861.]

WHEREAS questions of Title to Land in the Colony have arisen by reason of erroneous Surveys and Maps and of discrepancies between the true measurements of Land and the descriptions thereof in Crown Grants and Instruments of Title Preamble.

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

I. The Short Title of this Act shall be "The Survey Correction Act 1861." Short Title.

II. When upon the examination of Title to any Land under "The Land Registry Act 1860" it shall appear to any District Registrar that in the cases hereinafter mentioned a question of Title to Land has arisen the District Registrar may upon the application of the person claiming to be Proprietor of the Land about which such question shall have arisen apply to the Registrar-General for authority to take such proceedings and such proceedings may be taken as are hereinafter mentioned. District Registrar may on application of Proprietor and with the authority of the Registrar-General take proceedings.

III. The cases to which this Act shall apply are as follows Cases to which the Act applies.

- (1.) Where in the Crown Grant of any allotment or parcel of Land there shall appear to the District Registrar an error or defect in the bearings angles measurements quantities or other particulars of such allotment or parcel.

Survey Correction.

- (2.) Where possession of any allotment or parcel of Land included in a Crown Grant shall have been delivered by a person employed by Government to the Purchaser or Grantee and possession shall have been taken accordingly and such possession shall be found to differ from the Map on the Crown Grant.
- (3.) Where any allotment or parcel of Land included in any Crown Grant shall have been held under such Crown Grant without dispute by the Purchaser or Grantee or person claiming under him for a period of seven years and it shall be found that such holding differs from the Map on the Crown Grant.

District Registrar may cause a corrected Map to be made.

IV. In any of the before mentioned cases the District Registrar may cause the Map of the allotment or parcel on the Crown Grant to be corrected in conformity with the occupation or holding of the Land and for that purpose may cause a true and correct Map to be made of such allotment or parcel in conformity with such occupation or holding by some qualified Surveyor to be nominated by him in that behalf and such Map shall be made within a time to be limited in that behalf by the District Registrar and according to the instructions of the District Registrar Provided that no lands shall be included in any such corrected map over which the Title of the Aboriginal Inhabitants shall not have been extinguished.

Corrected Map may be declared to be the true Map.

V. Upon such Map being so made to the satisfaction of the District Registrar he may by notice in the *Government Gazette* of the Province in which the Land is situate notify and declare the same to be a true and correct Map of such allotment or parcel and thereupon such Map shall be taken to be the true and correct Map of the same and every Crown Grant Deed or Instrument of Title relating to such allotment or parcel shall be deemed to relate to the Land delineated by such corrected map in like manner and shall have the same effect as if the said Land had been so described in such Crown Grant Deed or Instrument of Title at the time of the execution thereof respectively and so much and such part of the Land purporting to be conveyed by such Grant as shall not be comprised in or described by such corrected map shall be held not to have been conveyed to such Grantee anything in the said Grant to the contrary notwithstanding.

Notices &c. to be given as may be directed by the Registrar-General.

VI. Provided that before making such notification and declaration the District Registrar shall cause such notices to be given and proceedings to be taken as the Registrar-General shall by any Rules to be made in that behalf from time to time appoint.

Where other Lands are affected notice to be given to the owners thereof.

VII. Where it shall appear to the District Registrar that the correction of any such error may affect the Lands of any other person he shall not proceed without giving such person notice and an opportunity of being heard in opposition to the proceedings.

What deemed good service.

VIII. Service of such notice either personally or by leaving the same at the last known or usual place of abode of such per-

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son within the Colony or if there shall be no such place of abode within the Colony then by transmitting such notice by post addressed to him at his last or most usual place of abode elsewhere than in the Colony (the posting of which notice shall be duly registered and an examined copy of which notice shall be produced to the District Registrar) shall be deemed to be good service of such notice Provided that in case such person shall not be resident within the Colony then if there shall be within the Colony an Agent of such person duly authorised in writing in that behalf service on such Agent personally shall be deemed to be good service of such notice Provided also that in all cases such notice shall be published three times successively in some newspaper circulated within the Province in which the Land is situate.

IX. All proceedings of the District Registrar under this Act shall be conducted according to such Regulations as shall be made in that behalf from time to time by the Registrar-General. District Registrar to proceed according to Regulations.

X. The Registrar-General shall from time to time frame Rules for proceedings under this Act and may rescind and alter the same which Rules and every rescinding and alteration thereof shall be published in the *Government Gazette* of the Colony. Registrar-General to frame Regulations.

XI. The costs of all proceedings under this Act shall be borne by the applicant. Costs to be payable by the applicant.

XII. In respect of Fees to be taken under this Act Sections 76 77 and 78 of the "Land Registry Act 1860" shall be deemed to be incorporated herewith. Fee clauses of "Land Registry Act 1860" incorporated.

XIII. No proceedings shall be taken under this Act without pre-payment of Fees. Fees to be pre-paid.