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Hon. Major Atkinson.

ALIENATION OF LAND.

ANALYSIS.

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A BILL INTITULED

AN ACT to facilitate the Alienation of Land.

Title.

WHEREAS the power of placing restrictions on the alienability of land is prejudicial to the interests of the colony, and it is therefore desirable that such
5 restrictions should be prohibited :

Preamble.

BE IT THEREFORE 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 is “The Alienation of Land Act, 1882.”

Short Title.

10 2. It shall not be lawful for any person, by deed or will, to restrain the alienation of land ; and the holder of the legal estate for the time being under and by virtue of any deed or will shall, for the purpose of sale and exchange, be deemed to be the absolute owner thereof, without any restriction.

Owner of legal estate may dispose of land as absolute owner.

The word “land ” includes any estate or interest in real property.

15 3. The mortgagor and not the mortgagee shall, for the purposes of this Act, be deemed to be the owner of the legal estate ; but the rights and interests of the mortgagee shall not be prejudicially affected, and shall continue and remain though this Act had not been passed.

Mortgagor to be deemed owner of the legal estate.

4. Committees of the estates of lunatics and guardians of infants shall, for the purposes of this Act, be deemed to be the holders of the legal estate.

Committees of lunatics and guardians of infants empowered.

20 5. The money accruing from any such sale or exchange shall, *mutatis mutandis*, be subject to the like trusts, rights, liabilities, claims, and demands (if any) as exist in respect of the land.

Money accruing from disposal subject to trusts.

6. The receipt in writing of any person to whom any money shall become payable by virtue of this Act shall effectually discharge the person paying the
25 same from seeing to the application or being answerable for the misapplication or non-application thereof, and from inquiry into the necessity or propriety of any transaction in consequence whereof such money may have become payable.

Receipts to be discharges.

30 7. Nothing in this Act contained shall be held or construed to prevent any man giving an estate in land to his wife during her life or widowhood, or to prevent any woman from giving her husband an estate in land during his life, or so long as he shall remain a widower.

Estates for life may be limited to wife or husband.