

Hon. Mr. Geddes.

CHARLES JOSEPH JURY ESTATE EMPOWERING.

[PRIVATE ESTATE BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Certain transfers from Public Trustee exempted from limitations of area.</p>	<p>3. Certain transfers to the Public Trustee similarly exempted. 4. Limitations of area to continue to apply when transfers registered.</p>
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A BILL INTITULED

AN ACT to give Effect to a certain Deed of Family Arrangement in the Estate of Charles Joseph Jury (deceased) by exempting from the Limitations of Area imposed by Part XIII of the Land Act, 1908, and Part XII of the Native Land Act, 1909, certain Lands mentioned in the said Deed, and thereby enabling the said Lands to be transferred by or to the Public Trustee as provided by the said Deed.

WHEREAS Charles Joseph Jury, formerly of Carterton, in New Zealand, died at Nukualofa, Tonga, on the nineteenth day of July, nineteen hundred and sixteen, leaving a will and codicil both dated the seventeenth day of June, nineteen hundred and ten, probate whereof was granted by the Native Land Court at Otaki on the fourteenth day of May, nineteen hundred and seventeen, to the Public Trustee, the executor and trustee named therein: And whereas difficulties existed in giving effect to the said will, and in order to overcome such difficulties and generally to administer the estate in the most advantageous manner, considering the circumstances of the family generally, a deed of family arrangement was executed by all the beneficiaries under the said will (including the three eldest sons—namely, Charles Joseph Bonsell Jury, William Marshall Jury, and John Milsom Jury) and by other parties to the said deed, and also such deed being dated the twenty-eighth day of June, nineteen hundred and eighteen, and being deposited in the Public Trust Office at Wellington under number 3348: And whereas the Supreme Court referred the said deed to the Registrar of that Court for inquiry and report: And whereas the Registrar held an inquiry and made a report recommending that the deed be approved, and thereupon the Supreme Court duly approved the deed: And whereas the said deed provided (*inter alia*) that certain of the parties thereto, including the said three eldest sons, should transfer to the Public

Trustee (to be dealt with and disposed of under the said deed as part of the estate of the said Charles Joseph Jury) certain freehold and leasehold lands owned by them respectively, and also that the said three eldest sons should purchase from the Public Trustee under the said deed certain specified lands belonging to that estate at specified prices, such prices being in excess of a special Government valuation made for the purposes of the deed: And whereas technical difficulties exist in working out the said deed inasmuch as some of the lands which some of the parties thereto are transferring to the Public Trustee, and also some of the lands which the said three eldest sons are acquiring as aforesaid from the Public Trustee are subject to the limitations of area imposed by Part XIII of the Land Act, 1908, or by Part XII of the Native Land Act, 1909, and by reason thereof the transfers cannot be registered, and it is expedient that such limitations should be removed: And whereas the objects of this Act are not obtainable otherwise than by legislation:

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

Short Title.

1. This Act may be cited as the Charles Joseph Jury Estate Empowering Act, 1919. 20

Certain transfers from Public Trustee exempted from limitations of area.

2. (1.) All transfers which under the deed of family arrangement mentioned in the Preamble to this Act are to be executed by the Public Trustee in favour of any of the three sons respectively mentioned in the said Preamble, and also the land comprised in every such transfer, shall be deemed to be exempted from the restrictions and provisions of Part XIII of the Land Act, 1908, and Part XII of the Native Land Act, 1909, and the District Land Registrar shall register the transfers accordingly. 25

(2.) A recital or statement in any transfer executed by the Public Trustee in favour of any of the said three eldest sons that the transfer is one to which this Act applies shall be accepted by the District Land Registrar as conclusive evidence that such transfer, as also the land comprised therein, is exempt from the aforesaid limitations, restrictions, and provisions, and he shall register the transfer accordingly, anything in Part XIII or Part XII aforesaid to the contrary notwithstanding. 30 35

(3.) Such transfer may be direct from the Public Trustee as transferor where he is the registered proprietor, or from any of the parties to the said deed by direction of the Public Trustee where he is not the registered proprietor. 40

Certain transfers to the Public Trustee similarly exempted.

3. The foregoing provisions for exemption shall similarly apply to every transfer which pursuant to the said deed is executed by any of the parties thereto in favour of the Public Trustee and of the land comprised therein, and in such case a certificate under the hand and seal of the Public Trustee that the transfer is one to which this Act applies shall be accepted by the District Land Registrar as conclusive evidence of such exemption, and he shall register the transfer accordingly, anything in Part XIII or Part XII aforesaid to the contrary notwithstanding. 45 50

Limitations of area to continue to apply when transfers registered.

4. Upon the registration of any transfer under the authority of this Act the land comprised in the transfer shall be and remain subject to the same limitations of areas and otherwise as before the passing of this Act.