

New Zealand.



ANALYSIS.

- | | |
|---|--|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Land excepted from operation of Act. 3. Public Trustee to make inquiries before notifying land subject to Act. 4. Certain lands having no known owner placed in Public Trust Office. Definition of "owner." 5. Public Trustee may notify that, if owner does not establish title, he will register himself as owner. 6. If no owner proves his title, land vests in Public Trustee. Proviso. 7. Owner to have no claim for action taken by Public Trustee or District Land Registrar. 8. After registration Public Trustee may act as absolute owner. | <ol style="list-style-type: none"> 9. Power to demise on lease without right of acquiring freehold. 10. Maintenance of land. 11. Land not to be sold except for road purposes. 12. Proceeds of land to be paid into Public Trustee's Account. 13. Out of proceeds of land Public Trustee may pay rates and taxes thereon. 14. If owner proves title any time within twelve years, Public Trustee to pay value thereof with compound interest. 15. Public Trustee may transfer land to local authority in perpetual endowment. 16. Local authority to have powers of Public Trustee under section 9 with regard to land transferred. 17. Repeal. |
|---|--|

1892, No. 14.

AN ACT to place in the Public Trust Office all Lands where the
Owner is unknown. Title.
[31st August, 1892.]

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

1. The Short Title of this Act is "The Unclaimed Lands Act,
1892." Short Title.

2. This Act shall not apply to any land within the Land Districts
of Taranaki, Wellington, Nelson, Marlborough, or Otago respectively
which is the subject of an undecided claim by any person deriving
under or by virtue of any contract or engagement with the New
Zealand Company or the Plymouth Company of New Zealand. Land excepted from
operation of Act.

3. Before the Public Trustee notifies any land as being subject
to this Act,— Public Trustee to
make inquiries
before notifying land
subject to Act.

(1.) He shall ascertain from the Commissioner appointed in
either of the aforesaid districts under "The New Zealand
Company's Land Claimants Ordinance, 1851," whether or
not such land is claimed under the said ordinance, and
if so claimed he shall not notify the said land as being
subject to this Act :

(2.) He shall ascertain from the Registrar of Deeds or District Land
Registrar what mortgages, liens, charges, or other encum-
brances are registered against such land, and, if of opinion

that the land is not worth the amount so registered against it, he shall not notify the said land as being subject to this Act.

Certain lands having no known owner placed in Public Trust Office,

4. All land in New Zealand, other than as aforesaid, of which, now or at any time hereafter, neither the owner nor any agent of the owner is known, or can, after reasonable inquiry, be found, and in respect whereof the Public Trustee shall publish a notice in the *Gazette* as mentioned in the next following section, shall be deemed to be, and the same is hereby, placed in the Public Trust Office; and no title shall hereafter accrue to any person by reason of his having enjoyed undisputed occupation of any such land, any law now in force to the contrary notwithstanding.

Definition of "owner."

For the purposes of this and the following provisions of this Act the term "owner" shall include an heir-at-law or other person lawfully entitled to any land in respect of which action may be taken under such provisions.

Public Trustee may notify that, if owner does not establish title, he will register himself as owner.

5. So soon as the Public Trustee is made aware of the existence of any land having no known owner, and, after inquiry, has discovered no objection to declaring such land to be subject to this Act, he may publish a notice in the *Gazette* and in one or more newspapers circulating in the neighbourhood where such land is situated, setting forth that unless, on or before a day to be named in such notice, not being less than six months after the publication thereof, the owner of such land establishes his title thereto to the satisfaction of the Supreme Court or any Judge of such Court, the Public Trustee will take the steps prescribed by "The Land Transfer Act, 1885," to be registered as the owner of such land.

If no owner proves his title, land vests in Public Trustee.

6. If no owner proves his title to such land within the time so notified, it shall be the duty of the District Land Registrar of the district in which such land is situated to register the Public Trustee as the owner thereof in fee-simple, and such registry shall vest such land absolutely in the Public Trustee, and the District Land Registrar shall make, sign, and issue every such certificate or other instrument that may be necessary for the purpose of giving effect to this Act:

Proviso.

Provided that, if there shall be any valid mortgage or other outstanding charge or encumbrance on the said land which the Public Trustee is willing to discharge, the Public Trustee shall be so registered subject to such mortgage, charge, or encumbrance.

Owner to have no claim for action taken by Public Trustee or District Land Registrar.

7. No owner or person claiming under him whose land is dealt with under the provisions of this Act shall have any claim for any damage suffered by reason of the action of the Public Trustee or any District Land Registrar under the authority of this Act, nor be entitled to any compensation whatever by reason of any such action.

After registration Public Trustee may act as absolute owner.

8. After such registry the Public Trustee may take all steps to recover possession of such land, and, in respect thereto, and to all persons who may have occupied the same, may exercise all powers and do all things of what kind soever as if he were the absolute owner thereof: subject, however, to the approval of the Board constituted under "The Public Trust Office Act, 1872," in all cases in which such approval is required by such last-mentioned Act in the administration of property placed in the Public Trust Office.

9. All such land may be leased by the Public Trustee in manner following :—

- (1.) If town land, upon the same terms as lands belonging to the Corporation of such town may be leased ; and,
- (2.) If suburban land, for any term not exceeding twenty-one years, with right of renewal for a similar term upon a fresh valuation, and with or without right of compensation for improvements, as the Public Trustee shall think fit ; and
- (3.) If rural land, on perpetual lease in the same manner and subject to the like conditions and provisions as Crown lands may be leased under Part IV. of "The Land Act, 1885," on perpetual lease with right of renewal, as if the said land had been set apart for the purpose by the Governor in Council under section one hundred and thirty-five of the last aforesaid Act ; and for such purpose the Public Trustee shall have and may exercise all the powers given by the last-mentioned Act to a Commissioner of Crown Lands, or to a Land Board respectively.

Power to demise on lease without right of acquiring freehold.

10. The Public Trustee shall have and may exercise in respect of any lands acquired by him under this Act all the powers of expending money conferred upon him by section twenty-two of "The Public Trust Office Act Amendment Act, 1873."

Maintenance of land.

11. The Public Trustee acquiring any town, suburban, or rural land under this Act, or any local authority to whom any such land is transferred under this Act, shall not at any time alienate any of such land in freehold, anything contained in any other Act notwithstanding : Provided that, if at any time the public convenience require it, the Public Trustee may take and dedicate any portion of any such lands for road purposes, and any land so dedicated shall be assessed at its then marketable value in fee-simple by some competent and independent valuer, and the Public Trustee shall enter in the books of his office the value so assessed, which shall be taken to be conclusive evidence of the value of the land at the aforesaid time ; and, if any person proves his title to any land so taken, the value ascertained as above shall be paid by the local body of the locality within which such road is situate.

Land not to be sold except for road purposes.

12. All moneys accruing from such land from time to time shall be paid into and form part of the Public Trustee's Account.

Proceeds of land to be paid into Public Trustee's Account.

13. Out of the moneys accruing in respect of each parcel of land, it shall be lawful for the Public Trustee to pay all rates and taxes which may from time to time become due on such land and payable either to Her Majesty or to any local authority.

Out of proceeds of land Public Trustee may pay rates and taxes thereon.

14. Any person having a title to any land in the Public Trust Office under this Act may, within twelve years after the registration above mentioned, apply to the Supreme Court or a Judge thereof to be declared the owner of such land ; and, if he proves his title thereto to the satisfaction of such Court or Judge, the Public Trustee shall, upon the order of the Court or Judge, transfer such land or such interest therein as the Court directs, subject to all subsisting contracts lawfully made by the Public Trustee affecting the same, to such person, and shall pay over to him all moneys which may have accrued from such

If owner proves title any time within twelve years, Public Trustee to pay value thereof with compound interest.

land whilst in the Public Trust Office, subject, however, to a deduction of all rates and taxes paid by the Public Trustee in respect of such land, and of all charges and expenses which may have been incurred or expended in becoming the registered owner thereof, and in connection with the administration of such land under the provisions of this Act, whilst the land was in the Public Trust Office.

Public Trustee may transfer land to local authority in perpetual endowment.

15. If at the expiration of twelve years no valid claim to the land has been made and proved, the Public Trustee may, with the approval of the Governor in Council, transfer such land, or such interest therein as may have been created, and subject to all subsisting contracts lawfully made by the Public Trustee affecting the same, to the Corporation of the borough, town district, or county wherein such land is situate, as an endowment in perpetuity without any power of sale.

The moneys which may have accrued from such land whilst in the Public Trust Office, subject to a deduction of the amount of all rates, charges, and expenses mentioned in the last-preceding section, shall be paid into the Consolidated Fund and form part of the Public Account of the colony.

Local authority to have powers of Public Trustee under section 9 with regard to land transferred.

16. Every local authority to whom any town, suburban, or rural land is transferred under this Act shall have the same powers of leasing such land respectively as are given to the Public Trustee under section nine of this Act.

For every purpose of this section, section nine shall be read as if the words "local authority" had been inserted therein in place of the words "Public Trustee," wherever these latter words occur in the said section.

Repeal.

17. Section ten of "The Public Trust Office Act, 1876," is hereby repealed for the purposes of this Act.