

The Land Transfer Act of 1885 consolidated and amended the previous Acts, "Land Transfer and although it was not in force when the property in dispute was being dealt with Act, 1885." in the Native Land Court, it was in operation when the Assets Company was registered as owner. The system of registration already described was continued, but some important provisions were added, and many of the clauses in the previous Acts were revised and altered. The following are those sections which are important on the present occasion:—

Section 10 describes the land subject to the provisions of the Act. It includes Section 10. —“ All land which has already in any manner become subject to the provisions of ‘The Land Transfer Act, 1870,’ or any Act amending the same, or of ‘The Land Registry Act, 1860’; all land hereafter alienated, or contracted to be alienated, from the Crown in fee: all land in respect of which any order shall hereafter be made under the provisions of any Native Land Act in force for the time being which shall have the effect of vesting such land in any person in freehold tenure.”

All the lands in dispute in these appeals appear to their Lordships clearly to come within this section 10. The certificates of title issued under the Act of 1870, section 33, and the issue of the Governor’s warrants make this point plain.

Section 12 makes a certificate of title issued on the Governor’s warrant equivalent to a Crown grant, and section 13 makes the warrant conclusive evidence to the Registrar of the matters required to be stated therein. Section 12. Section 13.

The mode of applying for certificates of title is much the same as before, and the old title deeds are to be delivered up and cancelled as before. The sections relating to this subject, and the forms in Schedule II., strongly confirm the view that the lands in dispute come within section 10. Section 17 *et seq.* and Schedule II. Sections 19 and 28.

The old provisions respecting the register and the duty to keep it are reproduced, and a certificate of registration is conclusive evidence of registration. No instrument not registered is effectual to pass any estate or interest in land under the provisions of the Act, but upon the registration of any instrument in manner described the estate or interest specified in such instrument shall pass according to its terms. Section 31, &c. Section 35. Section 36.

The old enactments relating to provisional registration are consolidated, and provision is made for transferring to the register the memorials and entries on the provisional register as soon as they are finally completed. Section 42. Sections 43 and 44.

Section 45 enacts that, subject to any special provisions in the Act, all its provisions shall, so far as circumstances will admit, apply to land on the provisional register and to the registration of instruments and other matters affecting the same. This lets in a number of important sections making the register conclusive (*e.g.*, sections 55, 67, 189, and 190), but it is provided that the estate or interest of a proprietor on the provisional register shall be indefeasible only against the person named in the original receipt or order and those claiming through, under, or in trust for him. This reproduces the last part of section 9 of the Act of 1871 before referred to. As in the Act of 1870, so in this Act of 1885, the register is made conclusive evidence of the title of the registered proprietor except in cases of fraud, prior certificates of title or registered grants, omissions, or misdescriptions of easements and wrong descriptions of parcels or boundaries, to which must be added adverse claimants in possession at the time of bringing the land under the Act and continuing in such possession at the time of issuing the certificate. Section 45. Section 55. Section 67.

Certificates of title duly signed and sealed are made conclusive evidence of title as in the Act of 1870, sections 39 and 139. Sections 65 and 66.

The protection thus afforded is strengthened, as in the Act of 1870, by the preservation in section 56 of the enactment against bringing actions against registered proprietors (*i.e.*, section 129 of 1870) already noticed. Section 56.

Further protection is afforded by the reproduction of section 119 of the Act of 1870 relating to notice and knowledge of unregistered interests, and there is a new clause specially protecting *bonâ fide* purchasers or mortgagees from registered proprietors. Section 189. Section 190.

The provisions relating to the correction of certificates of title and of the register have been recast, and the powers of the Registrar in this respect have been enlarged. Subject to regulations under the Act he is empowered to correct errors and supply omissions, and to require certificates of title or other instruments to be delivered up to be cancelled or corrected if issued in error, or if they contain any misdescription of land or boundaries, or if fraudulently or wrongfully obtained. He can apply to the Supreme Court to compel people to appear before him and to deliver up documents as required. Appeals lie from his decisions to the Supreme Court. Large, however, as these powers are, it has been decided that they cannot be exercised to the prejudice of a registered *bonâ fide* purchaser. *In re Macarthy and Collins*, 19 N.Z. L.R., 545 (1901). Their Lordships have not to consider his power, but they doubt whether the Registrar can set aside a Crown grant or its statutory equivalent; they are disposed to think that his power to rectify is limited to some fraud or other cause intervening after the Crown grant or equivalent instrument which originally brought the land on the register. Sections 68 and 69. Sections 70 and 71. Section 191, &c.

There does not, moreover, appear to be any power conferred on the Supreme Court to cancel or correct any certificate of title or entry on the register unless applied to by the Registrar or on appeal from him, except where land or some estate Section 73.