

Lost Title-deeds.

Supreme Court
may investigate
cases of lost deeds.
Ib., s. 51

51. In case of the loss or destruction before registration thereof of any instrument executed by a registered proprietor for the purpose of creating, transferring, or otherwise dealing with any estate or interest in land, or any mortgage or incumbrance affecting land under this Act, the person claiming to be entitled to be registered as proprietor of any estate or interest by virtue of such lost instrument may make application to the Supreme Court to have such claim investigated and declared.

May make order
for claimant to
be registered as
proprietor.
1908, No. 99, s. 52

52. (1.) Upon proof to the satisfaction of the Court of the fact of such loss or destruction as aforesaid, and that such instrument has not been wilfully destroyed by or with the connivance of the applicant, and that the applicant is entitled to be registered as aforesaid, and that due notice of such application has been given to the registered proprietor of the land, estate, or interest intended to be affected, and to all other necessary parties, the Court may make an order defining and declaring the estate or interest of the applicant under such instrument, and requiring the Registrar to register him as proprietor thereof, and the Registrar shall obey such order.

Court to be guided
by real justice.
Ib., s. 53

(2.) Such registration shall have the same effect as from the date thereof as if the original instrument had been duly registered; and such instrument shall for the purposes of this Act be deemed and taken to have been in the terms or to the effect set forth in such order.

53. The Court shall, in hearing and deciding upon any case under the two last preceding sections, be guided by the real justice of such case, and shall direct itself by such evidence as may seem to it most suitable to the circumstances of such case.

Outstanding Interests.

Interests out-
standing at time
of bringing land
under Act to be
notified in Register.
Ib., s. 54

54. Leases, mortgages, incumbrances, or other estates or interests affecting the estate of the proprietor at the time of bringing land under this Act (hereinafter called "outstanding interests"), shall, so far as the same are disclosed in the application, or can otherwise be ascertained, be notified on the Register in such manner as to preserve their priority, and shall thereafter, notwithstanding variation in form, be dealt with as if the same or corresponding interests had been originally created under this Act, and every dealing therewith shall imply all powers, conditions, and covenants incident to dealings in the like form with land under this Act.

Interests registered
under Deeds
Registration Act
to be recognized
in certain cases.
Ib., s. 55

55. (1.) Estates and interests existing by virtue of instruments registered under the Deeds Registration Act, 1908, affecting land over which the Native title has been extinguished since the constitution of the district within which such land is situate, shall be deemed "outstanding interests" within the meaning of this Act, and shall be noted accordingly.

(2.) No such estates or interests shall be so recognized if created prior to the antevesting date in the grant, or subsequent to the thirty-first day of August, eighteen hundred and seventy-four.

Assurance Fund
not liable for loss
sustained through
neglect of claimant
to register.
Ib., s. 57

56. No person claiming any estate or interest by virtue of any deed or instrument which might have been registered against the land under any Act for the time being in force for the registration of deeds