

within New Zealand shall have any claim or action against the Registrar-General or upon the Assurance Fund by reason of deprivation of such estate or interest consequent on bringing the land under this Act, unless such deed or instrument has been so registered, or unless the Registrar has been served personally with notice in writing of such claim, or has had actual personal knowledge thereof, and has omitted to recognize the same.

*Registered Proprietors.*

57. Subject to any Act of the General Assembly for the time being in force relating to the tenure of land by persons of the Native race, any two or more persons named in any Crown grant or in any instrument executed under this Act as transferees, mortgagees, or proprietors of any estate or interest, shall, unless the contrary is expressed, be deemed to be entitled as joint tenants with right of survivorship, and such instrument, when registered, shall take effect accordingly.

Persons jointly registered to be joint tenants.  
1908, No. 99, s. 58

58. Notwithstanding the existence in any other person of any estate or interest, whether derived by grant from the Crown or otherwise, which but for this Act might be held to be paramount or to have priority, the registered proprietor of land or of any estate or interest in land under the provisions of this Act shall, except in case of fraud, hold the same subject to such incumbrances, liens, estates, or interests as may be notified on the folium of the Register, constituted by the grant or certificate of title of such land, but absolutely free from all other incumbrances, liens, estates, or interests whatsoever—

Estate of registered proprietor paramount.  
Ib., s. 59

- (a.) Except the estate or interest of a proprietor claiming the same land under a prior certificate of title or under a prior grant registered under the provisions of this Act; and
- (b.) Except so far as regards the omission or misdescription of any right-of-way or other easement created in or existing upon any land; and
- (c.) Except so far as regards any portion of land that may be erroneously included in the grant, certificate of title, lease, or other instrument evidencing the title of such registered proprietor by wrong description of parcels or of boundaries.

59. (1.) No action for possession, or other action for the recovery of any land, shall lie or be sustained against the registered proprietor under the provisions of this Act for the estate or interest in respect to which he is so registered, except in any of the following cases, that is to say:—

Registered proprietor protected against ejectment except in certain cases.

- (a.) The case of a mortgagee as against a mortgagor in default;
- (b.) The case of a lessor as against a lessee in default;
- (c.) The case of a person deprived of any land by fraud, as against the person registered as proprietor of such land through fraud, or as against a person deriving otherwise than as a transferee *bona fide* for value from or through a person so registered through fraud;
- (d.) The case of a person deprived of or claiming any land included in any grant or certificate of title of other land by misdescription of such other land, or of its boundaries, as against the registered proprietor of such other land, not being a transferee, or deriving from or through a transferee thereof *bona fide* for value:

Ib., s. 60