

THE CORRECTED TITLES TO LAND ACT OF 1882⁽¹⁾ (QUEENSLAND, ADOPTED) IN ITS APPLICATION TO THE TERRITORY OF PAPUA.

An Act Authorizing the Surrender of Freehold Lands to the Crown and the Issue of New Deeds of Grant to the owner thereof in certain cases.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows:—

Preamble.

1. Whenever by reason of the opening or closing of a road for public use through or adjoining any land held in fee from the Crown the description of the land as contained in the existing instruments of title has ceased to be a convenient description of the land to which after such opening or closing and the necessary alterations of boundary consequent thereon the owner is entitled it shall be lawful for such owner to surrender to the Crown his title to the land and upon such surrender a new Deed or new Deeds of Grant shall issue comprising the land to which after such opening or closing such owner is entitled.

Grantee may surrender to the Crown and obtain a new title.

For the purposes of this section the term "owner" shall include any person entitled to an estate of freehold in possession. Provided

(1) *The Corrected Titles to Land Act of 1882* of Queensland in its application to the Territory of Papua comprises the original *The Corrected Titles to Land Act of 1882* of Queensland referred to in Part I of the following Table, as amended by the Ordinance of the Territory of Papua referred to in Part II of the following Table:—

TABLE.

PART I.—ACT OF THE STATE OF QUEENSLAND.

Citation of Act.	Ordinance by which adopted.	Date on which adoption took effect.
<i>The Corrected Titles to Land Act of 1882</i> (46 Vic. No. 4) ^(a)	<i>The Courts and Laws Adopting Ordinance (Amended) of 1889</i> (No. 6 of 1889)	23.11.1889 (Supplement to British N.G. Govt. Gaz. of 23.11.1889)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.

PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua Govt. Gaz.	Date on which came into operation.
<i>Ordinances Revision Ordinance, 1913</i> (No. 3 of 1914)	14.8.1913	4.2.1914	4.2.1914 (<i>Papua Govt. Gaz.</i> of 4.2.1914)

LAND—

that if any such owner shall not be absolutely entitled to the land the new grant shall be to the same persons and for the same estates as the persons and estates included in the former instruments of title.

Correction of erroneous descriptions in Deeds of Grant.

2. When it is ascertained upon re-survey of any portion of land held in fee from the Crown that the measured lengths of the boundary lines of the said portion do not agree with the lengths of the boundaries as described in the Deed of Grant and where no doubt exists as to the boundaries of the land intended to be granted it shall be lawful for the owner of any portion as aforesaid to surrender to the Crown his title to the land and upon and after such surrender a new Deed of Grant containing a corrected description of the boundaries of the said land shall issue to the owner of such portion as aforesaid.

Section 3 repealed by No. 3 of 1914, s. 2.

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Mortgage or encumbrance to be endorsed by Registrar-General on new grant without fee.

4. When lands held under the provisions of "*The Real Property Act of 1861*"⁽²⁾ upon which there is any mortgage or other encumbrance are surrendered to the Crown under the provisions of this Act the Registrar-General shall endorse the mortgage or other encumbrance on the new deed of grant without fee anything in the said Act or other Acts to the contrary notwithstanding.

Section 5 repealed by No. 3 of 1914, s. 2.

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Short title.

6. This Act may be cited as "*The Corrected Titles to Land Act of 1882*."⁽¹⁾

(1) See footnote (1) printed on p. 2587.

(2) *The Real Property Act of 1861* of Queensland was adopted as a law of British New Guinea by *The Courts and Laws Adopting Ordinance (Amended) of 1889* and continued in force in the Territory of Papua by Section 6(1) of the *Papua Act, 1905*. It was repealed and replaced in the Territory of Papua by the *Real Property Ordinance, 1913-1939*.