

LAND (CORRECTED TITLES) ORDINANCE 1951. ⁽¹⁾

No. 66 of 1951.

An Ordinance authorizing the Surrender of Freehold Lands to the Administration and the Issue of New Deeds of Grant to the Owner in Certain Cases.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

1. This Ordinance may be cited as the *Land (Corrected Titles) Ordinance 1951.* ⁽¹⁾ Short title.

2. *The Courts and Laws Adopting Ordinance (Amended) of 1889* ⁽²⁾ of the Territory of Papua is amended by omitting from Schedule A the words— Amendment of
The Courts and
Laws Adopting
Ordinance
(Amended) of
1889.

“ 46 ” “ 4 ” “ | The Corrected Title to Lands Act of 1882.”

3.—(1.) In this Ordinance, unless the contrary intention appears— Interpretation.

“ owner ”, subject to the next succeeding sub-section, includes a person entitled to any estate of freehold in possession;

“ the Administration ” includes, in relation to the Territory of Papua, the Crown.

(2.) If an owner referred to in the last preceding sub-section is not entitled to the land absolutely, the new grant shall be to the same persons and for the same estates and interests as the persons, estates and interests included in the surrendered instruments of title.

4. Where, because of the opening or closing of a road for public use through or adjoining land held in fee from the Administration, the description of the land as contained in the Grantee may
surrender to the
Administration
and obtain a
new title.

(1) Particulars of this Ordinance are as follows:—

Date on which made by Cwlth. Administrator in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
13. 11. 1951	13. 11. 1951	13. 11. 1951 (<i>Cwlth Gaz.</i> of 13. 11. 1951)

(2) Now the *Courts and Laws Adopting Ordinance 1889-1951. The Courts and Laws Adopting Ordinance of 1889* is printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. III., on pp. 2765-2770; as to subsequent amendments see the Supplementary Table printed in Part B of Volume II.

PART A: LAND—

existing instruments of title is not a convenient description of the land to which, after that opening or closing and the necessary alterations of boundary consequent thereon, the owner is entitled, he may surrender to the Administration the instruments of title to the land and upon the surrender a new deed or new deeds of grant shall issue comprising the land to which after that opening or closing the owner is entitled.

Correction of erroneous descriptions in deeds of grant.

5. When it is ascertained upon re-survey of a portion of land held in fee from the Administration that the measured lengths of the boundary lines of that 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, the owner of that portion may surrender to the Administration the instruments of title to the land, and upon the surrender, a new deed of grant containing a corrected description of the boundaries of the land shall issue to the owner of that portion.

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

6. Notwithstanding any other law to the contrary, when land held either under the *Real Property Ordinance, 1913-1947*⁽³⁾ of the Territory of Papua or under the *Lands Registration Ordinance 1924-1950*⁽⁴⁾ of the Territory of New Guinea, upon which there is a mortgage or other encumbrance, is surrendered to the Administration in pursuance of this Ordinance, the Registrar-General shall, without fee, endorse on the new deed of grant the mortgage or other encumbrance.

(3) The *Real Property Ordinance, 1913-1939* is printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. III., on pp. 2593-2660. For subsequent amendments see the footnotes to that Ordinance.

(4) Now the *Lands Registration Ordinance 1924-1951*. The *Lands Registration Ordinance 1924-1939* is printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. III., on pp. 2891-2985; as to subsequent amendments see the Supplementary Table printed in Part C of Volume II.