

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

CAP. LXXIX.

An Act to facilitate the Execution of Conveyances and other Instruments by or on behalf of the *New Zealand* Company in *New Zealand*.

[1st *August* 1849.]

WHEREAS Her present Majesty, by Her Royal Letters Patent bearing Date the Twelfth Day of *February* in the Fourth Year of Her Reign, granted and ordained that certain Persons therein named and described should be and constitute a Body Corporate, with perpetual Succession and a Common Seal, by the Name of the *New Zealand* Company, for the Purpose of purchasing and acquiring, settling, improving, cultivating, letting, selling, granting, alienating, mortgaging, charging, or otherwise dealing with and making a Profit of Lands, Tenements, and Hereditaments within Her Majesty's Colony of *New Zealand* and its Dependencies, and of laying out Settlements and Towns, and for other the Purposes therein set forth; and by Her Royal Letters Patent, bearing Date the Fourth Day of *August* in the Seventh Year of Her Reign, extended the Powers in the said first-mentioned Letters Patent contained: And whereas by an Act of Parliament passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to grant certain Powers to the* New Zealand

Letters Patent, dated 12th Feb. (4 Vict.)

Letters Patent, dated 4th Aug. (7 Vict.)

9 & 10 Vict c. 382.

land *Company*, further Powers were granted to the said Company, and special Provisions made for facilitating the Conveyance of Lands in the said Colony then contracted to be sold or thereafter to be contracted to be sold by the said Company: And whereas by an Act of Parliament passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to promote Colonization in* New Zealand, *and to authorize a Loan to the* New Zealand *Company*, all the Demesne Lands of the Crown in the Province of *New Munster* in *New Zealand*, and all the Estate and Right of Her Majesty therein, or Power and Authority over the same or any Part thereof, were, from and immediately after the passing of the said now-reciting Act, until the Fifth Day of *July* One thousand eight hundred and fifty, and during such further Time as shall be directed by Parliament, vested in the *New Zealand* Company, in trust for the Purposes and subject to the Provisions in the same Act contained; and it was by the same Act enacted, that during such Period all the Rights, Powers, and Authorities of Her Majesty in reference to the same might be exercised and administered by the said Company in such Manner in all respects, subject to the Restrictions therein contained, as to the said Company should seem best fitted to promote the efficient Colonization of *New Zealand* and the Welfare of the Colonists thereof: And whereas it is expedient, for the better Promotion of the Colonization of *New Zealand*, and for the more effectual Exercise of the several Powers and Authorities vested in the said Company, that Means should be provided to enable the Execution of Deeds of Conveyance and other legal Instruments in *New Zealand* by and on behalf of the said Company, and that other Provisions should be made to facilitate the Interchange of Property in the Colony: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Company, by any Deed or Instrument in Writing under their Corporate Seal, from Time to Time to constitute and appoint any Persons to be, while actually within the Colony of *New Zealand* or its Dependencies, and for such limited Period (if any) as the said Company may think fit, the Attornies of the said Company, to make and execute, in the Name and on the Behalf of the said Company, Grants, Leases, Conveyances, and any other Deeds or Instruments whatsoever, of and in relation to any of the Lands and Property in the said Colony of *New Zealand* or its Dependencies now belonging to or hereafter to belong to the said Company, or over or in respect to which the said Company now has or hereafter may have any disposing or other Power or Authority whatsoever, subject nevertheless (so far as the same

10 & 11 Vict. c. 112.

Power to Company to appoint Attornies,

same may be applicable) to the Restrictions contained in the recited Acts, and from Time to Time as Occasion may require, and as to the said Company may seem meet, to revoke any such Deed or Instrument under the Corporate Seal of the said Company as aforesaid, and to make any other such Deed or Instrument for the like Purpose, which Grants, Leases, Conveyances, and other Deeds and Instruments to be made and executed by such Attornies shall be under the Signature of such Attornies, and under such Seal as herein-after mentioned.

and to revoke Appointments.

II. And be it enacted, That it shall be lawful for the said Company to appoint and commit to the Custody of the Attornies for the Time being constituted and appointed as aforesaid a Seal for the Purpose of making and executing such Grants, Leases, Conveyances, and other Deeds and Instruments as aforesaid, and such Seal from Time to Time to break, alter, or renew as to the said Company may seem meet; and every Grant, Lease, Conveyance, and other Deed and Instrument to be made and executed in manner aforesaid by such Attornies shall be as valid and effectual in Law, to all Intents and Purposes whatsoever, as if the same had been duly made and executed by the said Company without the Intervention of such Attornies.

To grant to such Attornies a Seal.

Deeds executed by Attornies valid, as if executed by the Company.

III. And be it enacted, That all Grants, Leases, Conveyances, and other Deeds and Instruments signed or purporting to be signed by such Attornies as aforesaid, and sealed or purporting to be sealed with the Seal for the Time being committed to such Attornies, shall be *primâ facie* Evidence not only of the Appointment and Continuance in Office of the Attornies under whose Signatures the same shall be or purport to be made, but also of their Signatures thereto, and the due sealing thereof with the Seal committed to such Attornies, and that it shall be the Duty of all Courts of Justice, Justices, and others, as well within as without any of Her Majesty's Colonies, to receive the same as such *primâ facie* Evidence.

Executed Deeds primâ facie Evidence of due Execution.

IV. Provided nevertheless, and be it enacted, That not less than Two Persons shall be appointed such Attornies as aforesaid by any Deed or Instrument, and that if in any Deed or Instrument more than Two Persons are appointed, any Two of the Persons so appointed, whether they alone of the Persons so appointed shall have accepted or shall continue in Office or not, shall (unless the contrary be provided by such Deed or Instrument) be as fully competent to act in all respects as the whole Body of Persons thereby appointed.

Not less than Two Attornies to be appointed.

V. And

Verification of Deeds for Registration.

V. And be it enacted, That, for all Purposes respecting Registration in the said Colony or its Dependencies, any Deed, Conveyance, or other Instrument, and any Memorial thereof, sealed or purporting to be sealed with the Seal of the said Company, shall be sufficient Evidence of the due Execution of such Deed, Conveyance, or other Instrument and Memorial by the said Company; and no further Evidence or Verification of such Execution, nor any Evidence or Verification of the Signature of the Secretary of the said Company or other Person or Persons who shall attest the sealing of such Deed, Conveyance, or other Instrument or Memorial, shall be required for the Purpose of such Registry, any Law, Ordinance, or Custom now or hereafter to be in force in *New Zealand* notwithstanding.

Act to extend to Colonies.

VI. And be it enacted, That this Act shall extend to the United Kingdom of *Great Britain* and *Ireland*, and also to Her Majesty's Colonies.

Public Act.

VII. And be it enacted, That this Act shall be deemed a Public Act.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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