ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. XCIII.

An Act to remove Doubts respecting the Operation of the *New Zealand* Company's Act of the Ninth and Tenth Years of *Victoria*, Chapter Three hundred and eighty-two (Local and Personal).

[31st *July* 1868.]

Recital of 9 & 10 Vict. c. cccl xxxii. s. 51.

WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, intituled *An Act to grant certain Powers to the* New Zealand *Company*, after reciting that divers Land Orders or Contracts for the Sale or Conveyance of Lands, Tenements, and Hereditaments in *New Zealand* had from Time to Time been issued and made by the said Company, it was, by the Fifty-first Section, amongst other things enacted that a Conveyance by the said Company, or their Trustees in whom the same should be vested, of the Lands, Tenements, and Hereditaments to which any such Land Order or Contract should relate should be deemed both at Law and in Equity, as well in the Colony of *New Zealand* as elsewhere, a full and complete Performance by and on the Part of the Company of the Contract or Obligation contained in or resulting from such Land Order to convey the said Lands, Tenements, and Hereditaments, and

should

should exonerate the Company, their Successors and Assigns, from all Responsibility as to the Disposition of such Lands, Tenements, and Hereditaments, or any of them, or any other Matter or Thing consequent on or resulting from such Conveyance; but, notwithstanding any Rule of Law or Equity to the contrary prevailing in the Colony of *New Zealand* or elsewhere, the Lands, Tenements, and Hereditaments comprised in any such Conveyance should continue and be subject to such equitable Estates, Charges, and Liens, if any, created by the Purchaser or Purchasers named in the Land Order or Contract to which the same should relate, or any Person deriving Title from, through, or under him, her, or them, as at the Date of such Conveyance should be subsisting, or be then or thereafter capable of taking effect, and the Rights and Interests of the Parties interested as or through the Purchaser or Purchasers named in such Land Order or Contract (*inter se*) should remain unaffected thereby:

Recital of 14 & 15 Vict. c. 86.

And whereas by an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of Her Majesty, intituled *An Act to regulate the Affairs of certain Settlements established by the* New Zealand *Company in* New Zealand, after reciting amongst other things that all the Lands, Tenements, and Hereditaments of the said Company in the Colony of *New Zealand* had reverted to and become vested in Her Majesty as Part of the Demesne Lands of the Crown in *New Zealand*, it was amongst other things enacted that thenceforth in all Cases falling within the Provisions of the Fifty-first Section of the herein-before recited Act of Ninth and Tenth of *Victoria* a Grant or Conveyance by Her Majesty, Her Successors or Assigns, should have the like Force and Effect in all respects as a Conveyance by the *New Zealand* Company has or would have had by virtue of the said Act in case the Company had continued in full Exercise of their Functions:

Doubts as to Position of certain Equitable Estates.

And whereas Doubts have been entertained as to whether the Equitable Estates, Charges, and Liens in the said Fifty-first Section referred to have been, are, or will be affected by the Provisions affecting or relating to Equitable Estates, Charges, and Liens contained in any Law of the Colony which has been or may hereafter be made; and it is expedient that such Doubts should be removed:

Be it therefore 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, as follows:

Equitable Estates, &c. referred to in sec. 51 of

1. Nothing in the said first-recited Act contained shall be deemed or taken to prevent any of the said Equitable Estates, Charges, or Liens therein referred to from being subject to and affected by any

any Laws which have been since the passing of the said first-recited Act or which may hereafter be made by the Legislature of the Colony of *New Zealand*, affecting Equitable Estates, Charges, and Liens in and on Lands, Tenements, and Hereditaments in the said Colony.

9 & 10 Vict. c. cccl xxxii. subject to Laws of Colony.

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