

No. XI.

AN ORDINANCE to amend an Ordinance to facilitate the Transfer of Real Property, and to simplify the Law relating thereto. [4th July, 1844.]

CONVEYANCING
AMENDMENT.

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session II., No. 10), intituled "*An Ordinance to facilitate the Transfer of Real Property, and to simplify the Law relating thereto,*" it is enacted (clause 52) that every deed or will executed out of this Colony shall be received in evidence in every Court of Justice in the Colony provided the execution thereof shall be verified on oath by any one of the witnesses thereto in manner following, that is to say,—

Preamble.
Clause 52 of Con-
veyancing Ordinance
recited.

When the same shall have been executed in Great Britain or Ireland, it shall be so verified before the Mayor, Provost, or other Chief Magistrate of any corporate town; if in any British Colony, before the Officer Administering the Government thereof or before two Justices of the Peace; if in any foreign country, then before any British Consul resident therein: Provided also that such verification be certified under the seal of such body corporate, officer or consul, or under the hands of such Justices, as the case may be.

And whereas by an Act of Parliament passed in the Session of Parliament holden in the fifth and sixth years of the reign of His late Majesty King William the Fourth, chapter sixty-two, provision hath been made for verifying the execution of wills and codicils, deeds and instruments

5 and 6 Wm. IV.,
chap. 62, referred to.

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instruments in writing, by solemn declaration in lieu of oath in manner therein mentioned :

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, that—

Clause 52 of Con-
veyancing Ordinance
repealed.

1. So much of the said Ordinance as is hereinbefore recited be repealed.

Deeds &c. verified by
affirmation to be re-
ceived in evidence.

2. Every will or codicil, deed or instrument in writing, executed beyond the limits of the Colony, whereof the execution shall have been verified as by the said Act of Parliament required, shall be received in evidence in every Court of Justice in the Colony.

Explanatory clause.

3. And whereas by the said recited Ordinance it is enacted that no land shall pass by any contract for the purchase of land, and by reason of the extended meaning given to the word "land" in the interpretation clause of the said Ordinance doubts have arisen whether the equitable jurisdiction of the Supreme Court in respect of such contracts is not diminished or affected by the said enactment: Be it therefore declared and enacted, That the rules of Courts of Equity in England touching the operation and enforcement of contracts for the purchase of land shall be adopted and followed in all cases in the Supreme Court of this Colony, anything in the said Ordinance contained notwithstanding.