



## POWERS OF ATTORNEY BILL.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION I, No.

### ANALYSIS.

<i>Rule.</i> Preamble. 1 Certain Powers of Attorney to continue in force until notice of death, or of revocation, shall have been received by the Attorney.	2 A solemn declaration made by the Attorney shall, in certain cases, be conclusive proof of non-revocation. 3. Justice of the Peace or Notary Public may take Declarations in the form in the Schedule. Penalty for false Declaration.
<i>Schedule. Form of Declaration.</i>	
A BILL to give greater effect to powers of Attorney.	Title.

**WHEREAS** difficulties frequently arise as to Titles to Land, and other property, by reason of conveyances or other instruments, and acts affecting the same having been executed and done under powers of Attorney from absent persons, of whom it cannot be known whether they are alive, or whether they may not have revoked such powers of Attorney at the date of the execution of such conveyances or other instruments, or of such acts being done. *Preamble.*

BE IT THEREFORE ENACTED by the General Assembly of New Zealand :

1. Whenever the person who may have executed or shall hereafter execute any power of Attorney (whether such person were or be at the time within the colony or not) shall not have declared, or shall not declare therein that such power shall continue in force

*Certain Powers of Attorney to continue in force until notice of death, or of*

revocation, shall have been received by the Attorney.

only until his death or revocation thereof, then and in every such case such power shall operate and continue in force until notice of his death, or of the revocation of such power shall have been received by the Attorney named therein; and every act (within the scope of the powers and authority conferred upon the said Attorney) heretofore or hereafter to be done or submitted to by him, after such death or revocation as aforesaid, and before notice thereof shall have been received, shall be as effectual in all respects as if such death or revocation had not happened or been made.

*set forth in the schedule hereunto annexed.*

A solemn declaration made by the Attorney shall, in certain cases, be conclusive proof of non-revocation.

2. A solemn declaration in the form prescribed by law, made by any such Attorney, that he has not received any notice or information of the revocation of such power of Attorney by death or otherwise, shall if made immediately before or after executing any such conveyance or other instrument as aforesaid, or doing, or submitting to, any such act as aforesaid, be taken to be conclusive proof of such non-revocation at the times thereof respectively, in favour of any person who shall *bona fide*, and for valuable consideration, and without notice to himself of any such revocation, have accepted any such conveyance, or other instrument from, or dealt with, such Attorney in the name of his principal; and if such person shall also at any time make a similar declaration, such declarations shall be conclusive proof of such nonrevocation as to every other person whatever.

Justice of the Peace or Notary Public may take Declarations in the form in the Schedule. Penalty for false declarations.

3. It shall be lawful for any Justice of the Peace or Notary Public to take and receive the declaration of any person voluntarily making the same before him in the form in the schedule to this Act annexed, and any person who shall wilfully and corruptly make and subscribe any such declaration knowing the same to be untrue in any material particular shall be deemed guilty of a misdemeanour and on conviction thereof, shall be liable at the discretion of the Court trying the offence to be imprisoned with or without hard labour for any term not exceeding 3 years, or pay such fine or both as the said Court shall award.

Schedule referred to in the foregoing Act.

Form of Declaration.

I (A B) of (place of abode and occupation) do solemnly and sincerely declare that (insert facts) and I make this solemn declaration conscientiously believing the same to be true and by virtue of an Act of the General Assembly of New Zealand No. of Session 1 intituled the "Powers of Attorney Act".

*[Handwritten signature]*

*[Handwritten signature]*

Passed the Legislative Council this day the day of July in the year of our Lord one thousand eight hundred and fifty four.

*[Handwritten signature]*  
Clerk of the Legislative Council.