

Powers of Attorney.

ANALYSIS.

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| <ul style="list-style-type: none"> Title. Preamble. 1. Short Title. 2. "The Powers of Attorney Act, 1854," and this Act to be construed as one Act. 3. Letters of administration with will annexed granted to attorneys in New Zealand for executors out of Colony not to cease to be | <ul style="list-style-type: none"> operative by reason only of death of executors, in the absence of notice. 4. A solemn declaration made by administrators evidence of executors being alive. 5. Section 3 of "The Powers of Attorney Act, 1854," to apply to declarations under this Act. Schedule. |
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A BILL INTITULED

AN ACT to amend "The Powers of Attorney Act, 1854." Title.

WHEREAS difficulties sometimes arise in connection with the title to land in the Colony of New Zealand, and also as to the power of dealing therewith, by reason of letters of administration with the wills annexed of the personal estate and effects in the said Colony of testators dying out of the said Colony being granted by the Supreme Court thereof to persons resident within the said Colony as attorneys for and for the use and benefit of the executors by whom the wills of such testators have been proved out of the said Colony until such executors should apply for and obtain probate of such wills to be granted to such executors in the said Colony, and it not being known whether, at the time any dealing or transaction takes place in connection with any such land in which the testator had any estate or interest at the time of his death, such executors are living :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

- 1. The Short Title of this Act shall be "The Powers of Attorney Act, 1854 and 1873." Short Title.
- 2. "The Powers of Attorney Act, 1854" and this Act shall be read and construed as one Act. "The Powers of Attorney Act, 1854," and this Act to be construed as one Act.
- 3. Letters of administration of the personal estate and effects, within the Colony of New Zealand, of any testator whose will shall have been or shall be proved out of the said Colony, which have been heretofore or shall hereafter be granted by the Supreme Court thereof to any person or persons residing in the said Colony as attorney or attorneys for and for the use and benefit of the executor or executors of any such testator, shall not cease to be operative and

Letters of administration with will annexed granted to attorneys in New Zealand for executors out of Colony not to cease to be operative by reason only of death of executors, in the absence of notice.

in force so far as may concern any contract conveyance reconveyance lease mortgage or other disposition of or relating to or dealing with any lands or tenements in the Colony of New Zealand for valuable consideration *bonâ fide* entered into made or executed, by reason only of the death of any such executor or executors, if the attorney or attorneys to whom such letters have been or shall be granted shall not at the time of his or their acting thereunder have had notice of the death of such executor or executors.

A solemn declaration made by administrators evidence of executors being alive.

4. A solemn declaration in the form or to the effect set forth in the Schedule hereto, such form being varied to meet the circumstances of each case, made by any such attorney or attorneys at the time of his acting or shortly after he shall have acted under such letters of administration in the transaction to which such declaration shall refer, that he or they have not or had not then received any notice or information of the death of any such executor or executors, shall be taken to be and accepted as conclusive proof that such executor or executors was or were alive at the time or times of such attorney or attorneys acting under such letters of administration in the matter to which such declaration shall refer.

Section 3 of "The Powers of Attorney Act, 1854," to apply to declarations under this Act.

5. The provisions contained in section three of "The Powers of Attorney Act, 1854," shall apply to declarations taken and made under this Act, and to persons making the same.

SCHEDULE.

Schedule.

WE A.B. and C.D. of [*Insert residence and occupation of each declarant*], do severally solemnly and sincerely declare, as follows:—

1. We have not received any notice or information of the death of E.F. and G.H., the executors under the will of I.J. named in the foregoing deed of the day of 18 , and so far as we know they the said E.F. and G.H. are both now living.

2. The said E.F. and G.H. have not nor hath either of them ever obtained or applied in New Zealand for probate of the last will and testament of the said I.J., deceased, and so far as we know to the contrary the letters of administration granted to us and mentioned in the said foregoing deed have not ceased or expired, but are still in full force and effect.

We make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Power of Attorney Acts, 1854 and 1873."

A.B.
C.D.

Declared by both the declarants, A.B. and C.D., at [*Place*] }
this day of , 18 , before me, }

A Justice of the Peace for the Colony of New Zealand, [*or a Notary Public residing and practising at, as the case may be.*]