

# No. X.

## POWERS OF ATTORNEY.

### AN ACT to give greater effect to Powers of Attorney.

[16th September, 1854.]

Preamble.

WHEREAS difficulties frequently arise as to titles to land, 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 instrument, or of such acts being done:

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

Certain powers of attorney to continue in force until notice of death or of revocation shall have been received by the attorney.

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 only until his death or revocation thereof, then and in every such case such power shall, so far as may concern all contracts entered into *bonâ fide*, and all conveyances leases mortgages and other dispositions of or relating to lands or tenements in the Colony of New Zealand, for valuable consideration only, and no further or otherwise, 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 to such extent as aforesaid) heretofore or hereafter to be done or suffered 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.

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

2. A solemn declaration, in the form set forth in the Schedule hereunto annexed, 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 any such act as aforesaid, be taken to be conclusive proof of such non-revocation at the times thereof respectively.

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 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 three years, or to pay such fine, or both, as the said Court shall award.

4. This

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*Appropriation.*

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4. This Act shall be termed "*The Powers of Attorney Act, 1854,*" Short Title.  
and may be cited and referred to as such.

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SCHEDULE REFERRED TO IN THE FOREGOING ACT.

I, A. B., of [*place of abode and occupation*] do solemnly and sincerely declare that [*insert Form of declaration.*  
*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, intituled "*The Powers of Attorney Act, 1854.*"