

Auctioneers Amendment.

No. X.

AN ORDINANCE to amend an Ordinance for Licensing Auctioneers. [29th June, 1844.]

AUCTIONEERS
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. 13), intituled "*An Ordinance for Licensing Auctioneers*," it is enacted that there be levied and paid in respect of all estates goods and effects (except as in the said Ordinance mentioned) sold by way of auction, a duty of one pound for every hundred pounds arising from such sale, and provision is made for the collection of such duty: And whereas it is expedient that from and after the day hereinafter mentioned the said duty shall cease to be payable, and in lieu thereof the sum of money by the said Ordinance required to be paid for auctioneers' licenses be increased in amount:

Preamble. Auc-
tioneers Ordinance
(Session II., No. 13)
recited.

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

1. That from and after the twenty-fifth day of April, one thousand eight hundred and forty-five, so much of the said Ordinance as relates to the said auction duty and the levying thereof shall be repealed.

Sections 2, 3, 6, and 12
repealed.

2. For every license which shall hereafter be granted under the provisions of the said Ordinance, there shall be paid the sum of forty pounds.

Licenses raised to £40

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 Conveyancing Ordinance repealed.

Deeds &c. verified by affirmation to be received in evidence.

Explanatory clause.

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 So much of the said Ordinance as is hereinbefore recited be repealed.

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.

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.

No. XII.

MUNICIPAL CORPORATIONS.

AN ORDINANCE to provide for the Establishment and Regulation of Municipal Corporations.

[9th July, 1844.]

Preamble.

WHEREAS it is necessary that provision should be made for the good order, health and convenience of the inhabitants of towns and their neighbourhoods: And whereas the inhabitants themselves are best qualified, as well by their more intimate knowledge of local affairs as by their more direct interest therein, effectually to provide for the same: And whereas the habit of self-government in such cases hath been found to keep alive a spirit of self-reliance and a respect for the laws, and to prepare men for the due exercise of other political privileges:

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

I.—CREATION AND CONSTITUTION.

Creation.

1. Every settlement within the Colony having a population of two thousand souls may be a borough within the meaning of this Ordinance, and be governed by a Council to be elected by the burgesses thereof.

Incorporation.

2. In every borough there shall be a body corporate, which shall take and bear the name of "The Mayor, Aldermen, and Burgesses" of such borough, and by that name shall have perpetual succession, and shall have a Common Seal, and shall by the Council thereof do all acts, and have and enjoy all rights and privileges, which bodies corporate as such may do have or enjoy.

The Council.

3. The Council of every such body corporate shall consist of a Mayor and eleven Aldermen, to be elected as hereinafter provided.

4. Whenever