

Registration of Deeds Amendment.

officer of any Register Office in cases where such officer is by this Act expressly or impliedly authorized to affix his signature.

- (2.) Stamps or procures to be stamped or assists in stamping any document with any forged seal of the Registrar-General's or District Registrar's Office.
- (3.) Forges or procures to be forged or assists in forging the name signature or handwriting of any person whomsoever to any instrument which is by this Act, or in pursuance of any power contained in this Act, expressly or impliedly authorized to be signed by such person.
- (4.) Uses with an intent to defraud any person whomsoever any document upon which any impression or part of the impression of any seal of the Registrar-General's or District Registrar's Office has been forged, knowing the same to have been forged, or any document the signature to which has been forged, knowing the same to have been forged.

Such person shall be guilty of felony.

124. Any person convicted of felony under this Act shall be liable, at the discretion of the Court by which he is convicted, to penal servitude for the term of his life or any term not less than three years, or to imprisonment for any term not exceeding two years, with or without hard labour.

Punishment of felony.

125. Nothing in this Act contained shall entitle any person to refuse to make a complete discovery in the Supreme Court, or to answer any question or interrogatory in any civil proceeding in any Court of Law or Equity, or in any Court of Bankruptcy or Insolvency; but no such discovery question or interrogatory shall be admissible in evidence against such person in any criminal proceeding under this Act.

Penalty not to exclude obligation to make discovery.

No. XXVIII.

AN ACT to amend the Law relating to the Registration of Deeds in the Colony of New Zealand.

REGISTRATION OF
DEEDS AMENDMENT

[2nd November, 1860.]

WHEREAS by an Ordinance passed by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, intituled "*An Ordinance to provide for the Registration of Deeds and Instruments affecting Real Property*," provision was made for the registration of deeds and other instruments in the Colony of New Zealand: And whereas by certain Acts and Ordinances passed by the Superintendents and Provincial Councils of several of the Provinces of the Colony, the respective Superintendents thereof are empowered to do all the acts and exercise all the powers authorized to be done and exercised by the Governor by the said recited Ordinance: And whereas it is expedient that the said several acts and powers should be hereinafter done and exercised solely by the Governor of the Colony:

Preamble.

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 Registration of Deeds Amendment Act, 1860.*"

Short Title.

2. The

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Definition of
"Instrument."

All acts and powers
under said Ordinance
to be hereafter done
and exercised by
Governor.

Governor to exercise
power given to
Superintendents of
Auckland and New
Plymouth by
Registration Act and
Ordinance of those
Provinces respect-
ively.

Authenticated copies
of wills may be
registered.

Result of such
registration.

Instruments may be
registered before
issue of Crown
Grants.

Effect of such
Registration.

Operation of such
registration.

2. The word "Instrument" shall extend to any Crown Grant deed contract will or any covenant authorized to be registered under the Ordinances and Act herein recited.

3. All the acts authorized or required to be performed and all the powers conferred upon or given to the Governor by the said recited Ordinance shall henceforth be performed by the Governor of the Colony and by no other person.

4. And whereas by an Act passed by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof, intituled "*The Deeds Registration Act, 1856*," and by an Ordinance passed by the Superintendent of the Province of New Plymouth, with the advice and consent of the Provincial Council thereof, intituled "*The Deeds Registration Amendment Ordinance, 1857*," certain acts are authorized or required to be done and certain powers to be exercised by the Superintendents of the said Provinces respectively, and it is expedient that such acts and powers should be hereafter done and exercised by the Governor: Be it therefore enacted that,—

All the acts authorized or required to be done and all the powers conferred upon and given to the Superintendent of the Province of Auckland and the Superintendent of the Province of New Plymouth by the said recited Act and Ordinance of the Superintendents and Provincial Councils thereof respectively, shall henceforth cease to be performed and exercised by the Superintendent of the Province of Auckland and the Superintendent of the Province of New Plymouth, and shall and may be performed and exercised by the Governor and by no other person.

5. And whereas it is expedient to make further provision for the registration of wills under the said recited Ordinances and Act respectively: Be it therefore enacted that,—

Whenever it shall be made to appear to the satisfaction of a Judge of the Supreme Court, upon a summary application, that any will cannot be produced for the purpose of being registered, it shall be lawful for such Judge, on the production of a copy authenticated to his satisfaction, to authorize by writing under his hand, to be indorsed on such copy, that the same may be registered instead of the original will.

6. On such authenticated copy being registered, all the provisions of the said recited Ordinance, Session II., No. 9, and "*The Deeds Registration Act, 1856*," and "*The Deeds Registration Amendment Ordinance, 1857*," respectively, shall apply to the same as though such authenticated copy were the original instrument.

7. Instruments relating to waste lands of the Crown purchased of the Crown or of the New Zealand Company or the Canterbury Association for founding a Colony in New Zealand, may be registered pursuant to the provisions of the said Ordinance No. 9, Session II., "*The Deeds Registration Act, 1856*," and "*The Deeds Registration Amendment Ordinance, 1857*," respectively, notwithstanding the non-issue of a Crown Grant or conveyance of such land.

8. All instruments which may be so registered and all deeds and instruments heretofore registered, notwithstanding such non-issue as aforesaid, shall have the same force or effect as between the parties to such deeds, and all persons claiming by from through under or in trust for them, but no further or otherwise, as if the Crown Grants or conveyances had been duly issued prior to such registration.

9. The issue of a Crown Grant of land subsequent to the registration of any instrument relating to such land shall give and be deemed

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deemed to have given to such instrument the like operation and effect, under the said Ordinance No. 9, Session II., and "*The Deeds Registration Act, 1856*," and "*The Deeds Registration Amendment Ordinance, 1857*," respectively, as if such registration had taken place subsequent to the issue of the Crown Grant.

10. Every power of attorney affecting real estate, with the verifications (if any) of the due execution of the same, may be deposited at the Register Office for safe custody and reference.

Powers of attorney may be deposited in Register Office.

11. Any person having possession of any instrument authorized to be registered by the said Ordinance No. 9 of Session II., "*The Deeds Registration Act, 1856*," and "*The Deeds Registration Amendment Ordinance, 1857*," or by this Act, or of any power of attorney, which he or any other person may have covenanted to produce, may deposit such instrument or power of attorney in the Register Office for safe custody and reference, and such deposit shall operate as a release and discharge from every covenant which may have been entered into for the production of the same.

Instruments under covenant for production may be deposited, and covenants thereby released.

12. Any person upon whom it may be incumbent to enter into a covenant for the production of any instrument authorized to be registered by the said Ordinance No 9 of Session II., "*The Deeds Registration Act, 1856*," and "*The Deeds Registration Amendment Ordinance, 1857*," or by this Act, or of any power of attorney, may deposit the same at the Register Office for safe custody and reference in lieu of entering into such covenant for production.

Instruments may be deposited in lieu of entering into covenants for production.

13. Immediately upon any instrument or power of attorney being deposited as aforesaid, the Registrar shall, in the presence of the party depositing the same, number the same and make a note thereon of the day and hour of the receipt thereof, and shall stamp the same at the end of such note with the seal of the Register Office. All instruments and powers of attorney deposited as aforesaid shall be numbered consecutively from one upwards.

Deposited instruments and powers of attorney to be numbered &c.

14. The Registrar shall securely keep in the Register Office, and not permit to be removed therefrom (except in obedience to legal process for the production thereof), all instruments and powers of attorney so deposited as aforesaid, and shall cause the same to be arranged in some convenient manner, and an alphabetical index made thereto for easy reference, which index shall show the number marked by the Registrar, the date of the deposit, and the marks and numbers (if any) on such instruments or power of attorney by which the land comprised therein is designated.

Registrar shall keep instruments and arrange same, and make indices.

15. In respect of instruments and powers of attorney deposited under this Act, receipts shall be given, examinations or searches may be made, certified copies and extracts shall be supplied, and such copies and extracts shall be secondary evidence, registration in certain cases shall be compulsory, and the like fees (except for recording) shall be payable in the same manner as is provided in reference to all such matters in respect of instruments deposited for registration under the authority of the said recited Ordinance No. 9 of Session II., "*The Deeds Registration Act, 1856*," and "*The Deeds Registration Amendment Ordinance, 1857*."

Receipts searches certified copies and fees as under recited Ordinances and Acts.

16. Receipts given in pursuance hereof shall specify, in addition to the particulars required by the said Ordinance No. 9 of Session II., "*The Deeds Registration Act, 1856*," and "*The Deeds Registration Amendment Ordinance, 1857*," respectively, the date of the instrument or power of attorney, the parties thereto, and the marks and numbers therein (if any) by which the land comprised therein is designated. Every such receipt, and also a certified copy of any instrument or power of attorney, shall be admissible as evidence that the instrument

Receipts and certified copies admissible as evidence of deposit.

Indemnity.

or power of attorney to which the same has reference has been deposited in the Register Office in pursuance of the provisions hereof.

Act to be construed
as part of recited
Ordinances and Act.

17. This Act shall be read and construed as part of the said recited Ordinance No. 9 of Session II., "*The Deeds Registration Act, 1856,*" and "*The Deeds Registration Amendment Ordinance, 1857,*" respectively.

Commencement of
Act.

18. The whole of this Act except sections three and four shall come into operation on the passing hereof, and the said sections three and four at the end of the next Session of the General Assembly.

No. XXIX.

INDEMNITY.

AN ACT to Indemnify the Officers of Her Majesty's Forces for all acts done by them under a certain Proclamation of Martial Law.

[2nd November, 1860.]

Preamble.

WHEREAS by a Proclamation bearing date the twenty-fifth day of January, one thousand eight hundred and sixty, the Governor of New Zealand did proclaim and declare that martial law would be exercised in the Province of Taranaki:

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

Short Title.

1. The Short Title of this Act shall be "*The Indemnity Act, 1860.*"

Officers and others
indemnified for
acting under
authority of
Proclamation.

2. All and singular the officers of Her Majesty's Forces and others who shall have duly acted under the authority of the said recited Proclamation shall be and they are hereby respectively freed indemnified and discharged of and from all actions and prosecutions which they respectively may have been or may become liable or subject to for or by reason or by means of or in relation to any act matter or thing done by any such officer or person by virtue or under the authority of the said Proclamation before the passing of this Act; and no such act matter or thing done by any such officer or person under or by virtue of such Proclamation shall be questioned in the Supreme Court or in any Court whatsoever within the Colony of New Zealand.

No. XXX.

CENSUS ACT
AMENDMENT.

AN ACT to amend certain Provisions of "*The Census Act, 1858.*" [2nd November, 1860.]

Preamble.

WHEREAS by "*The Census Act, 1858,*" it is provided that the account of the number and condition of the population of New Zealand, and of the live stock and of the cultivations therein respectively, which the said Act directs to be taken in every third year succeeding the year one thousand eight hundred and fifty-eight, shall be taken in the month of December, and that the forms of returns for obtaining