

(b.) Section 9 provides for the repeal of an order of adoption, but does not state the effect of the repeal. The probable intention of the Legislature was that, subject to the terms and conditions of the repealing order, the effect should be to restore the parties to their original status, but without affecting anything theretofore lawfully done. The intention should be specifically stated.

2. "THE COMPANIES ACT, 1903."

(a.) The effect of section 3 of this Act is that banking companies cannot avail themselves of the provisions relating to branch registers. This is plainly a mistake, caused by incorporating "The Companies' Branch Registers Act, 1886" (which applied to such institutions), without making the requisite modification of section 3.

The section should therefore be amended by adding, after "Part VIII," the words "and also of the provisions relating to branch registers."

(b.) Section 120 is printed under the cross-heading "Branch Registers"; the corresponding section in the Act of 1886 was limited to branch registers; in terms it is not so limited in section 120: what is the intention?

3. "THE ELECTORAL ACT, 1905."

(a.) The Act of 1905 re-enacts the Act of 1902. The Act of 1902 was a consolidation Act, and incorporated with the Electoral Acts proper various other enactments—*e.g.*, Representation, Corrupt Practices, Election Petitions. By an oversight, however, these enactments have been lost sight of at times in the drafting, and consequently provisions which originally applied to the Electoral Acts proper have been repeated in their original form and, in their language, appear to apply to the whole Act, although they are not intended to touch those enactments. The whole of Part VI of the Act of 1905 is a case in point.

(b.) Part V (relating to election petitions and corrupt practices) should be recast. In its present form it seems to assume that corrupt practices can only be dealt with in connection with election petitions. This, of course, is not so.

(c.) In the definition of "corrupt practice," in section 3 of "The Corrupt Practices Act, 1881," the words "law of Parliament" are used. In the corresponding definition in the Act of 1905 the words "the statute law of New Zealand" are substituted. The two expressions have an entirely different meaning, and the effect of the alteration is to greatly limit the meaning of the term defined and the scope of the offence. If this was not the intention of the Legislature, the original language should be restored.

4. "THE HOSPITALS AND CHARITABLE INSTITUTIONS ACT, 1885."

The definition of "district" is defective in cases where a borough neither adjoins a county nor is situate within the geographical boundaries of a county.

5. "THE INTERPRETATION ACT, 1888."

Section 21, in dealing with the effect of the repeal of an Act, does not cover all cases that may arise. We therefore suggest that the following clause from the Imperial Act of 1889 be inserted as subsection (4A) of section 21 of the New Zealand Act:—

"The repeal of an Act shall not revive anything not in force or existing at the time when the repeal takes effect unless a contrary intention appears."

6. "THE LAND TRANSFER ACT, 1885," AND "THE PROPERTY LAW ACT, 1905."

The Property Law Act says (section 122) that its provisions are to be construed so as not to conflict with those of the Land Transfer Act. Hence the two Acts are to be read together, the Land Transfer Act prevailing to the extent of any conflict.

This creates a difficulty, especially in cases where both Acts deal with the same matter. For example, both contain a list of covenants to be implied in mortgages. In some instances the covenants vary slightly in form and effect. Again, both contain provisions for the sale by mortgagees through the Registrar. Here also the provisions vary in form and effect; moreover, in the Property Law Act there are requirements that do not appear in the Land Transfer Act—*e.g.*, that the mortgagee shall value his security, and in case of sale the consideration expressed shall be not less than such value. Do these requirements apply under the Land Transfer Act?

We suggest that, where both Acts deal with the same matter, the language should be identical.

7. CLAIMS UNDER PUBLIC WORKS ACT AND LAND FOR SETTLEMENTS ACT FOR LANDS ACQUIRED BY THE CROWN.

To prevent dispute or difficulty in the settlement of these claims, we suggest that it be enacted that, in the absence of any order of the Court or agreement to the contrary, the place of payment be the Government bank nearest to the residence of the claimant if he resides in New Zealand, and the Treasury at Wellington if he has no New Zealand residence or is absent from New Zealand.

8. "THE TESTATORS' FAMILY MAINTENANCE ACT, 1900."

There have been conflicting decisions as to the meaning of section 2 of this Act. It has been held by the Chief Justice that, in ordering provision for wife, husband, or children to be made out of the estate, the Court might order a lump sum to be paid in cases where it thought fit. The Court of Appeal, however, has by a majority decided that the only order that can be made is for an annuity, and, further, that it must be payable first out of the residue. It follows from this statement of the law that the residuary beneficiaries must lose their shares before specific