

Board of Examiners Act, 1900." We have retained them, hence a special license is required under the Land Transfer Act (section 179 of the Consolidation Act). This accords with the existing practice.

Section 216 of the Act of 1885, directing that all offences against the Act may be prosecuted in the name of the Attorney-General, seems to us to be unsatisfactory, as interfering with the ordinary rule that criminal prosecutions are in the name of the Crown. We have retained it (section 227 of the Consolidation Act), but think it should be recast. It was originally taken from the Victorian Act. In Victoria there was no grand jury, and all indictments were presented by the Attorney-General.

The form of certificate of title now in use is substituted for that in the First Schedule to the Act of 1885. The alteration was made in 1886 by the Registrar-General under section 213 of that Act.

The implied covenants in the Fourth Schedule to the Act of 1885 are defective. The first ("Will insure") refers in terms only to leases and mortgages, the others in terms only to leases. The intention, as shown by the cross-heading ("Covenants implied in Instruments") was that they should apply to instruments generally. To effect this we have dropped all reference to mortgages or leases, and made the covenants applicable generally (Seventh Schedule of the Consolidation Act).

Section 8 of the Act of 1889 (Sealing and filing of probates granted out of New Zealand) is given effect to in section 43 of the Administration Act.

Section 9 of the Act of 1889 (Probate of estates of Natives) has been transferred to the Administration Act (subsection (4) of section 1) with modifications necessary to give effect to "The Native Land Court Act, 1894," which gave exclusive jurisdiction to the Native Land Court in the case of Native probates.

#### LAW PRACTITIONERS.

We have retained sections 49 to 52 of the Act of 1882 (Application of fees), though they do not accord with the existing practice under which, pursuant to regulations made by the Judges, the New Zealand University conducts the examinations, pays the examiners, and receives the examination fees (see sections 48 to 53 of the Consolidation Act). We suggest that the Act be amended.

"The District Law Societies Act, 1878," applied only to solicitors: we have extended it to include barristers—this to give effect to "The Law Societies Act, 1902," which constitutes the New Zealand Law Society, as consisting of all barristers and solicitors who are members of any district law society (sections 58 to 66 of the Consolidation Act).

Section 7 of the Act of 1896 (Meetings of the Council of the Law Society) refers to the "half-yearly" meeting of the Court of Appeal: we have substituted "periodical," as the Court of Appeal now meets oftener than half-yearly (section 75 of the Consolidation Act).

#### LEGISLATURE.

In section 2 of the Consolidation Act (Disqualification as respects the Legislative Council) we have inserted "sitting or voting"—this for uniformity with the corresponding provision respecting the House of Representatives. It does not alter the law.

In section 5 and other sections of "The Electoral Act, 1905," the South Island is expressed to include Stewart Island. This is dropped in the Consolidation Act, as the Acts Interpretation Act makes it unnecessary.

In section 15 of "The Electoral Act, 1905," the definitions of "Civil servant" and "Contractor" are expressed to be "for the purposes of the last preceding section." The last preceding section merely disqualifies a Civil servant or a contractor from being elected. This limitation is presumably a mistake. The definitions in question are taken from "The Disqualification Act, 1878," where they apply to the whole Act, including the provisions disqualifying members from becoming Civil servants within twelve months after they cease to be members. We have retained the section (subsection (2) of section 24 of the Consolidation Act) as we do not think the law established by the Disqualification Act is altered. If any doubt exists, it is for the Legislature to remove it.