

No. VIII.

An Act to amend an Act intituled “ *An Act for* DEEDS REGISTRATION.
“ *registering Deeds and Conveyances in New*
“ *South Wales and for other purposes* ” and to
prevent Convicts under sentence from acting
as Conveyancers. [10th September, 1839.]

WHEREAS an Act of His Excellency the Governor of New Preamble.
South Wales with the advice of the Legislative Council
thereof made and passed in the sixth year of the reign of His Majesty
King George the Fourth intituled “ *An Act for registering Deeds and* 6th Geo. IV. No. 22
Conveyances in New South Wales and for other purposes ” has been recited.
found defective in requiring that the memorial of all deeds and
other instruments directed to be registered by the said recited Act
shall be verified on oath solely before one of the Judges or the
Registrar of the Supreme Court and also in requiring that the
acknowledgment by a married woman of any deed executed in New
South Wales shall be made solely before a Judge of the Supreme
Court or before a Commissioner specially appointed for that purpose
and whereas by reason of the present wide extent of the said Colony
and the inconvenience of requiring such memorial to be verified and
such acknowledgment to be made in manner aforesaid it is expedient
to make further provision herein Be it therefore enacted by His
Excellency the Governor of New South Wales with the advice of the
Legislative Council thereof That from and after the first day of Memorial of any
November in the present year one thousand eight hundred and thirty- deed may be sworn
nine the memorial required by the said Act to be registered in the before a Judge or
Registrar’s Office of the Supreme Court may be verified on oath Registrar or Police
before one of the Judges of the Supreme Court or before the Registrar Magistrate or a Com-
of the said Court or before any Police Magistrate or before any Com- missioner of Court
missioner appointed by the said Court for taking affidavits (not being for taking affidavits.
the party employed to prepare the deed or instrument nor being a
party thereto) and such acknowledgment as aforesaid may be made Deeds of married
before and certified as in and by the said Act is required under the women may be ac-
hand and seal of any Judge of the Supreme Court or any Police knowledged before
Magistrate or any Commissioner appointed by the said Court for a Judge or Police
taking affidavits (not being the party employed to prepare such deed or Magistrate or Com-
instrument nor being a party thereto) and such memorial so sworn and missioner for taking
such acknowledgment so taken and certified respectively as aforesaid affidavits.
shall be as valid and effectual in law and in equity as if the same
had been respectively verified acknowledged and certified in the man-
ner required by the said recited Act Provided always that where the Proviso as to deeds
party executing any deed or instrument as aforesaid shall have executed executed by mark-
the same as a marksman or markswoman the witness or witnesses to men and women.
the execution of the same shall attend to satisfy the Judge Police
Magistrate or Commissioner (as the case may be) that the deed or
instrument to be memorialised or acknowledged as aforesaid is the same
identical deed or instrument which the party intended to execute and
in default thereof the memorial shall not be verified nor the deed or
instrument acknowledged for the purpose of registration.

2. And whereas it is expedient to restrain convicts under sen- Punishment for
tence from acting as conveyancers Be it enacted That from and after transported offenders
the said day of November in the year aforesaid if any transported acting as convey-
offender or person under sentence of any Criminal Court in New South ancers.
Wales

Colonial Spirits Distillation.

Wales or the Dependencies thereof shall draw or prepare any conveyance of or deed or will or any instrument whatever relating to any real or personal estate or any proceedings in law or in equity in New South Wales or the Dependencies thereof such transported offender or other person under sentence as aforesaid shall be liable on summary conviction on oath before two Justices of the Peace to be worked in irons on the public roads or other public works in the said Colony for any period not exceeding one year.

Commencement of
Act.

3. And be it enacted That this Act shall commence and take effect from and after the first day of November in the present year one thousand eight hundred and thirty-nine.
