

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 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 Conveyances in New South Wales and for other purposes*” has been 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 November in the present year one thousand eight hundred and thirty-nine the memorial required by the said Act to be registered in the Registrar’s Office of the Supreme Court may be verified on oath before one of the Judges of the Supreme Court or before the Registrar of the said Court or before any Police Magistrate or before any Commissioner appointed by the said Court for taking affidavits (not being the party employed to prepare the deed or instrument nor being a party thereto) and such acknowledgment as aforesaid may be made before and certified as in and by the said Act is required under the hand and seal of any Judge of the Supreme Court or any Police Magistrate or any Commissioner appointed by the said Court for taking affidavits (not being the party employed to prepare such deed or instrument nor being a party thereto) and such memorial so sworn and such acknowledgment so taken and certified respectively as aforesaid shall be as valid and effectual in law and in equity as if the same had been respectively verified acknowledged and certified in the manner required by the said recited Act Provided always that where the party executing any deed or instrument as aforesaid shall have executed the same as a marksman or markswoman the witness or witnesses to 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 sentence from acting as conveyancers Be it enacted That from and after the said day of November in the year aforesaid if any transported offender or person under sentence of any Criminal Court in New South Wales

Punishment for transported offenders acting as convey-aneers.

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.
