



ANNO QUARTO

GULIELMI IV. REGIS.

No. 13.

By His Excellency Colonel GEORGE ARTHUR, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to render Conveyances by Married Women effectual without Fine or Recovery.

WHEREAS by the law of England it is necessary in order to render any conveyance by a married woman effectual to pass her estate or interest in land or other real property that a fine or fines should be levied or one or more common recovery or recoveries be suffered and it is expedient that in all cases of conveyances by married women intended to pass or convey any estate or interest in land or other real property in this Island or its dependencies fines and recoveries should be dispensed with—AND WHEREAS by a proclamation issued by His Excellency Lachlan Macquarie Esquire then Governor of New South Wales and its dependencies (of which dependencies this Island was at that time one) bearing date at Sydney in New South Wales aforesaid the sixth day of March one thousand eight hundred and nineteen reciting that writs out of the King's Courts in England did not run into the territory of New South Wales or its dependencies whereby fines and recoveries could not be levied and suffered within the said territory it was ordered declared and directed that if any married woman should be minded to alien her jointure dower or other estate of freehold or inheritance in New South Wales or its dependencies she should convey the same by writing under her hand and seal and acknowledge it before the Judge Advocate of New South Wales or the Deputy Judge Advocate of Van Diemen's Land who was to acquaint her what she was to convey by that writing

Proclamation of
6th March 1819.

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and for what estate and if she should then confess that she did it freely and uncompelled by fear or otherwise then her acknowledgment of the said writing should be received and thenceforth such writing should become valid and firm against her and all claiming under her—

AND WHEREAS from the date of the said Proclamation in conveyances by married women within this Island and its dependencies every examination and acknowledgment of and by any such woman in conformity with the provisions of the said Proclamation were taken and made before the Deputy Judge Advocate of this Island up to the time of the establishment of "The Supreme Court of Van Diemen's Land" in the year one thousand eight hundred and twenty-four—

AND WHEREAS from that time until the establishment of the Supreme Court of Van Diemen's Land in the year one thousand eight hundred and thirty-one by His Majesty's Letters Patent bearing date the fourth day of March in that year examinations and acknowledgments to the same effect were taken and made before the Chief Justice of the said first-mentioned Court and subsequently to the promulgation of the said Letters Patent such examinations and acknowledgments have been taken and made before either the Chief Justice or the Puisne Judge of such last-mentioned Court—

AND WHEREAS it is expedient that the said provisions of the said Proclamation should be established as Law and that every examination taken and acknowledgment made before the said Chief Justice or the said Puisne Judge or before any Judge Master in Chancery or Chief Magistrate in Great Britain or Ireland should be rendered as valid and effectual as if taken and made before the said Deputy Judge Advocate.

All existing Deeds by married women to be valid against such women if acknowledged as herein mentioned.

BE IT THEREFORE ENACTED by His Excellency Colonel GEORGE ARTHUR Lieutenant-Governor of the Island of Van Diemen's Land and its dependencies with the advice of the Legislative Council that every deed and conveyance heretofore duly made and executed by any married woman whereby any land tenement or hereditament in this Island or its dependencies or her right or title to dower or other interest in such land tenement or hereditament is (or is expressed and intended to be) by her alienated conveyed assigned or released in respect of which deed or conveyance an acknowledgment and examination to the effect in the said Proclamation mentioned as aforesaid shall have been or shall hereafter be made and taken in the form or to the effect of the form appointed by the said Proclamation whether such acknowledgment and examination shall have been made and taken before the said

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Deputy Judge Advocate or shall have been or shall be made and taken before the said Chief Justice or Puisne Judge or if in Great Britain or Ireland before any Judge Master in Chancery or Chief Magistrate of any town or city nearest to the place of residence of such married woman shall be and be deemed to have been and to be as valid and effectual to pass and convey alien assign and release all and every such lands tenements hereditaments right title and interest in such deed or conveyance mentioned and thereby intended to be alienated conveyed assigned or released respectively as if a fine or fines with proclamations had been acknowledged and levied or one or more common recovery or recoveries had been suffered of such lands tenements and hereditaments respectively.

II. AND BE IT ENACTED that if any deed or conveyance shall be hereafter duly made and executed by any married woman whereby any land tenements or hereditaments in this Island or its dependencies or any right or title to dower therein (or any other right title claim or interest whatsoever therein) or thereto shall be or be expressed and intended to be alienated conveyed assigned or released and such deed or conveyance shall be acknowledged by her before any Judge of any Court of Law or Equity or any Master in Chancery or before the Mayor or other Chief Magistrate of the city or town or (if in Van Diemen's Land or its dependencies) before the Police Magistrate of the district in or nearest to which such married woman resides to be her act and deed then and from thenceforth every such deed or conveyance shall be and be deemed to be as valid and effectual to alien convey assign and release and shall as fully and effectually alien convey assign and release such land tenement and hereditament right title claim and interest as if a fine or fines with proclamations had been acknowledged and levied or one or more common recovery or recoveries had been suffered of or for the same—PROVIDED ALWAYS that such married woman shall also at the time of such acknowledgment by her be examined privately and apart from her husband by the Judge Master Mayor or Magistrate before whom the same acknowledgment shall be made and shall then confess that she was acquainted with the nature and object of such deed or conveyance and did execute the same freely and voluntarily and without any violence threat or compulsion either on the part of her said husband or of any other person.

Similar provision for future deeds by married women if acknowledged as herein mentioned.

To be examined apart from their husbands.

III. PROVIDED ALSO AND BE IT ENACTED that a certificate in writing of every such acknowledgment and confession being made and taken as aforesaid shall be indorsed upon or annexed to every such deed or conveyance under the hand of the Judge Master Mayor or Magistrate before whom the said acknowledgment and confession shall

A certificate of acknowledgment and examination to accompany the deed.

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have been so made and taken which said certificate so signed shall be sufficient evidence of such acknowledgment and confession having been in fact duly made and taken—PROVIDED that where such acknowledgment and confession shall be made and taken within this Island or its dependencies such certificate shall be in the form contained in the Schedule to this Act annexed.

Lease and release to be reckoned as one deed.

IV. AND BE IT ENACTED that in all cases of conveyance by lease and release it shall be sufficient if such acknowledgment and confession be made and taken in respect of and such certificate be endorsed upon or annexed to the release only.

This Act not to affect the provisions of the Registration Act.

V. AND BE IT ENACTED that nothing in this Act contained shall be construed to repeal or affect any of the provisions of the Act or Ordinance intituled "An Act to provide for the Registration of Deeds" "Wills Judgments and Conveyances affecting Real Property."

GEORGE ARTHUR.

Passed the Legislative Council this
twenty-first day of December one
thousand eight hundred and thirty-
three,

JOHN MONTAGU, *Clerk of the Council.*

SCHEDULE.

THIS is to certify that in pursuance of the provisions of the Act for rendering conveyances by married women effectual without fine or recovery A. B. the wife of W. B. in the annexed [or within written] deed mentioned came before me on this day of 18 and acknowledged the same to be her act and deed—And I certify that the said A. B. being then examined by me privately and apart from her said husband did confess and declare that she was acquainted with the nature and object of the said deed and that she executed the same freely and voluntarily and without any violence threat or compulsion either on the part of her said husband or of any other person.

Witness my hand at the day and year above mentioned.