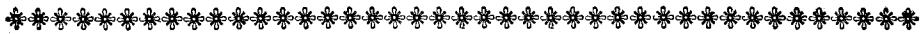


ANNO QUARTO

VICTORIÆ REGINÆ,

No. 26.



By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT to restrain Unqualified Persons from practising as Conveyancers.

WHEREAS it is expedient to prevent the mischiefs which arise from Unqualified Persons practising in this Island as Conveyancers—PREAMBLE.
BE IT THEREFORE ENACTED by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer and a Captain in Her Majesty's Royal Navy Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that if after the First day of November next any person not being duly admitted a Barrister Attorney Solicitor or Proctor of the Supreme Court of Van Diemen's Land or not being a Certificated Conveyancer as hereinafter provided shall for fee or reward (given or to be given) prepare or assist in preparing any Deed whatsoever or any Will or Testament or any Instrument in Writing purporting to create or convey any Estate or Interest legal or equitable either originally or in execution of any power in any lands tenements or heredita-

ments or shall otherwise within this Island or its Dependencies practise the business of a Conveyancer he shall for every such offence forfeit and pay a penalty or sum of Twenty Pounds.

Recovery of Penalties.

II. AND BE IT ENACTED that every offence against this Act shall be heard and determined and every penalty under it be awarded and imposed in a summary way by and before any two Justices upon information in that behalf exhibited and in every such information the proof shall be on the Defendant as to his being duly certificated as aforesaid—AND all persons aggrieved by any summary judgment under this Act shall be entitled to appeal therefrom in the manner provided respectively by the Act intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and all fines or penalties so imposed shall go and be distributed in the manner provided by the said last-mentioned Act.

Conveyancer's Certificate how applied for.

III. AND BE IT ENACTED that every person desirous of practising as a Conveyancer shall one month at least before application as hereinafter mentioned give notice in writing under his hand to the Registrar of the Supreme Court of his intention to apply to the said Court during the next ensuing Term for a Certificate under this Act and every such notice shall set forth the true name or names and place of abode of the applicant—AND the Registrar shall as soon afterwards as conveniently may be cause the fact of such Notice having been given to be publicly advertised (at the expense of the party) in such manner and form as the Judges of the Supreme Court or one of them shall direct.

Proceedings thereon.

IV. AND BE IT ENACTED that at any time during the Term mentioned in such notice the person having given the same shall be at liberty to apply to the said Court in person or by Counsel to be examined touching his fitness and ability to practise as a Conveyancer and thereupon the Judges or one of them shall direct that the Applicant shall be examined by the Master of the said Court at such time or times as the said Master shall appoint as well touching his ability skill and knowledge as his character for integrity and honour and the said Master shall be at liberty to put such questions to such Applicant in respect to the matters aforesaid and to require from him such further proof of his character as the said Master shall deem proper and if the said Master shall deem the said Applicant to be of competent ability and knowledge and a fit and proper person to practise as a Conveyancer as aforesaid the said Master shall grant to him a Certificate to that effect under his hand and seal and every such Certificate shall be enrolled in the office of the Registrar of the said Supreme Court and upon such enrolment the Applicant shall pay into the hands of the said Registrar the sum of Five Pounds all which having been done and not before the said Applicant shall be deemed to be a duly Certificated Conveyancer under this Act.

No Person convicted of treason felony &c.

This section repealed by Act No. 12

V. AND BE IT ENACTED that no person who hath been or who shall be attainted of any treason or felony or convicted of any crime that is infamous (unless he shall have received for such crime a free pardon or shall be within the benefit and protection of some Act of Parliament having the force and effect of a free pardon under the Great

Seal for such crime) shall be entitled to a Certificate under the provisions of this Act any thing herein contained to the contrary notwithstanding.

JOHN FRANKLIN.

Passed the Legislative Council this fifth
day of October, one thousand eight
hundred and forty,

RONALD C. GUNN, *Clerk of the Council.*

