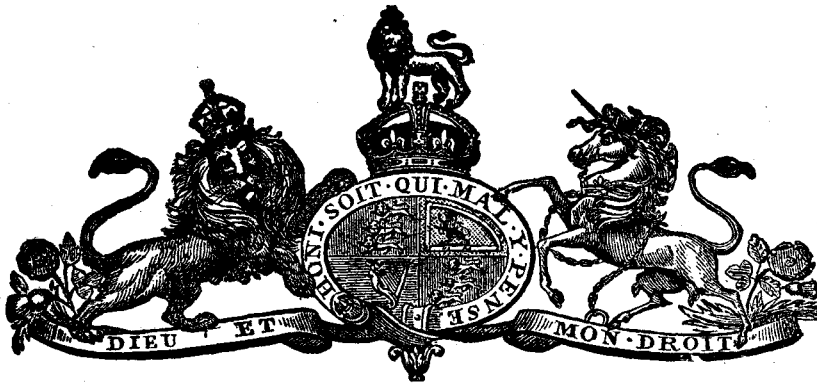


T A S M A N I A.



1918.

ANNO NONO

GEORGII V. REGIS.

No. 43.

ANALYSIS.

1. Short title and construction.
2. Evidence of due execution of certain instruments by persons engaged on war service.
Definition of "engaged on war service."
3. Extension of Act to certain persons abroad not actually engaged on war service.
4. Retrospective operation.



AN ACT to facilitate the Execution by persons engaged on War Service during such service and during a certain period thereafter of certain Instruments under "The Real Property Act," and for purposes consequent thereon or incidental thereto.

A.D.
1918.

[14 January, 1919.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Execution of Instruments Act, 1918," and shall be read and construed as one with "The Real Property Act," and every amendment thereof.

Short title and construction.
25 Vict, No, 16,

Execution of Instruments (War Facilities).

A.D. 1918.

Evidence of
due execution
of certain
instruments by
persons engaged
on war service.
Cf. Vic. Act, No.
2757, s. 2.

Definition of
"engaged on war
service."

2 - (1) Notwithstanding any statutory requirement, any instrument requiring attestation under "The Real Property Act," or any amendment thereof (including any power of attorney for use under that Act, or any amendment thereof), signed by any person during any period for which the said person is engaged on war service, and a further period of Six months thereafter, upon verification of the signatures thereto to the satisfaction of the Recorder of Titles shall, although not attested, be held to be duly executed, saving all other just exceptions or objections.

(2) For the purposes of this section the words "engaged on war service" shall mean—

- i. Engaged on active service abroad in connection with the present war as a member of the military or naval forces of the Crown or of any of His Majesty's allies: or
- ii. Engaged on active service abroad in connection with the present war as a member of the Medical Corps Nursing Service of the military or naval forces of the Crown or of any of His Majesty's allies: or
- iii. Engaged on active service abroad in connection with the present war with the Army Medical Service of any of His Majesty's allies: or
- iv. Engaged on service in any work abroad, in connection with the present war, of any Red Cross Society, or Ambulance Association, or of any religious or patriotic organisation: or
- v. Being in connection with the present war a prisoner of war in the enemy's country, or interned in the country of a neutral power: or
- vi. Engaged abroad in making munitions, or in any other service in connection with the present war.

(3)—(a) A statutory declaration by any person, who in the opinion of the Recorder of Titles is qualified to declare as to the fact, that any party to any instrument submitted to the Recorder of Titles for registration under "The Real Property Act," or any amendment thereof, was at the time such party signed the instrument, or was during the Six months immediately preceding the date of such signature, engaged on war service, shall be accepted by the Recorder of Titles as sufficient evidence of the fact.

(b) A statutory declaration by the donee of a power of attorney or by any person who in the opinion of the Recorder of Titles is qualified to declare as to the fact that the donor was at the time such donor signed the power of attorney, or was during the Six months immediately preceding the date of such signature engaged on war service, shall be accepted as sufficient evidence of the fact by the Recorder of Titles and every other person dealing with the donee.

Execution of Instruments (War Facilities).

3 The benefit of the privileges conferred by this Act on any person in relation to any period for which he is engaged on war service, and for a period of Six months thereafter, shall also extend and apply to any person not engaged on war service in relation to any period during which, being absent from Tasmania, he is, for any reason connected with the said war, unable to return to Tasmania : and this Act shall have effect in its application to any such person with the necessary modifications.

A.D. 1918.

Extension of Act to certain persons abroad not actually engaged on war service. Cf. Vic. Act, No. 2757, s. 3.

4 This Act shall have effect as from the Fourth day of August, One thousand nine hundred and fourteen.

Retrospective operation.

