

T A S M A N I A.

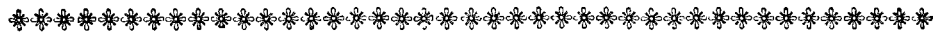


1 8 6 0.

ANNO VICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 3.



AN ACT to make valid Acts done under Powers
of Attorney in certain Cases.

[4 October, 1860.]

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 The Donee of any Power of Attorney may register such Power by filing the same in the Office of the Registrar of Deeds. Powers of Attorney may be registered.

2 No act, deed, or instrument done, executed, or signed under any Power of Attorney by the Donee thereof, after the commencement of this Act, shall be valid until the Power of Attorney under which the act, deed, or instrument is done, executed, or signed has been so registered as aforesaid. Acts under Power not to be valid hereafter until Power registered.

3 The death, bankruptcy, insolvency, or in case of a female the marriage, of the Donor of any such Power of Attorney, or the revocation thereof by the Donor, may be registered in manner following ; a declaration made by any person of the fact of such death, bankruptcy, insolvency, or marriage, before any person having authority to administer Revocation may be registered.

an oath in the place, whether within the Colony or elsewhere, where such declaration is made, or a notice of such revocation under the hand of the Donor, or the instrument of revocation, may be filed in the said Office in like manner as Powers of Attorney may be filed, and shall be annexed to the Power to which it relates.

Registrar to file document on payment of fee.

4 The said Registrar is hereby required to file in his Office every such Power of Attorney, declaration, notice, and instrument as aforesaid, upon payment of a fee of Five Shillings for each such document.

And give receipt.

5 Upon the filing of any such document the said Registrar shall indorse thereon the number thereof, and shall give a receipt for the same in such form as he may think fit, or as may be directed by the Judges of the Supreme Court.

Index.

6 The said Registrar shall cause to be made an Index of every Power of Attorney, declaration, notice, and instrument filed under this Act in the form in the Schedule, which shall contain the several particulars indicated thereby; and the Registrar shall cause to be inserted therein in alphabetical order as to the initial letter of the Surname, and at full length, the Surname and Christian name, together with the description and addition of the Donor as the same are set forth in the Power of Attorney; and such Index shall be open to public inspection at all reasonable times on payment of One Shilling for every registered document which may be searched for, and the person paying the same shall be entitled to peruse the document in respect of which such fee has been paid.

Acts done under Power after registration of Power, and before registration of revocation, valid as to parties without notice.

7 Every act, deed, or instrument done, executed, or signed by the Donee of any Power of Attorney registered under this Act, within the scope of the authority thereby conferred, after the death, bankruptcy, insolvency, or in the case of a female the marriage, of the Donor, or the revocation of the Power, and before the registration of such death, bankruptcy, insolvency, marriage, or revocation under this Act, shall, in favour of any person who *bonâ fide* and without notice of such death, bankruptcy, insolvency, marriage, or revocation has dealt with such Donee in the name of the Donor, be as valid and effectual as if such death, bankruptcy, insolvency, marriage, or revocation had not taken place.

On registration of Power covenants for production to be inoperative.

8 After any Power of Attorney has been registered under this Act, no suit at Law or in Equity shall be brought or maintained upon any covenant or agreement for the production of such Power of Attorney; and if any such suit is commenced, it shall be a sufficient answer thereto that such Power has been registered under this Act.

Confirmation of the acts of the Attorney to be sufficient without production of the Power.

9 In case any person has heretofore confirmed or hereafter confirms in writing any deed or other act purporting to be executed or done by such person by his Attorney, such confirmation shall be conclusive evidence of the sufficiency at Law and in Equity of the authority of such Attorney to execute or do such deed or act at the time of the executing or doing thereof, without production or proof of any Power of Attorney, anything in this Act contained to the contrary notwithstanding.

Act to extend to bankruptcies, &c., out of the Colony.

10 This Act shall extend and apply to every insolvency or bankruptcy whatsoever, whether the same takes place under any Act of the Legislature of this Colony, or under any other Law affecting property in this Colony.

11 Any person who wilfully effaces, defaces, mutilates, or destroys any Power of Attorney, declaration, notice, or document registered under this Act, shall be guilty of a misdemeanor, and shall on conviction thereof be liable to imprisonment with hard labour for any term not exceeding Three years. Punishment for defacing, &c., documents.

12 All fees received by the Registrar under this Act shall be applied in aid of the General Revenue. Appropriation of fees.

SCHEDULE.

<i>Number on the File.</i>	<i>Date of Registration.</i>	<i>Surname of Principal.</i>	<i>Christian Name of Principal.</i>	<i>Place of Abode of Principal.</i>	<i>Calling of Principal.</i>	<i>Christian Name and Surname of Attorney.</i>	<i>Notice or Declaration of Avoidance.</i>	<i>Date of Registration of Notice or Declaration of Avoidance.</i>
1	1st December, 1860.	Arbery	John	Thames-street, London.	Merchant.	John Nokes.	Revoked.	4th June, 1863.
2	2nd January, 1861.	Adye	Richard	Collins-street, Melbourne.	Draper.	Thomas Styles.	Bankrupt.	1st February, 1864.
3	3rd February, 1862.	Ashby	Mary	Pitt-street, Sydney.	Spinster.	John Brown.	Married.	2nd July, 1865.