

## Land Conveying Ordinance.

In the Year 1853.—No. 3.

**Clause.**

1. Form of Grant to be acknowledged by married Women.
2. Attestation.
3. Delivery, indenting, receipt.
4. Grant to include all house, &c., and the reversion and all the estate.
5. Covenants implied.
6. Against her Husband.
7. Remedy on implied Covenants.
8. Implied Covenants may be negatived.
9. Grant failing to take effect by this Ordinance to be valid as a Deed and Indenture.
10. Schedules, &c., to form part of Ordinance.
11. Fees.
12. Not to affect the Ordinance for the Registration of Land, &c.
13. Ordinance to commence on the 1st February, 1853.

By His Excellency GEORGE RENNIE, Esq., Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof; be it enacted:

1. THAT a grant in either of the forms in Schedule I. annexed shall be valid and effectual to grant and convey land and to bar and release the dower of a married woman a party thereto: Provided that every disposition by a married woman by any such grant shall be made conformably to the dispositions relative to married women by an Act passed in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled, "An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurances," or that a married woman, a party to any such grant, shall, within one month after executing the same, if executed within this Colony, in the presence of the Chairman of the Magistrate's Court, or the Chief Judge of the Superior Court in the Colony for the time being, if executed in England, Scotland, or Ireland, or any other part of Her Majesty's dominions, in the presence of any judge of any court of law or mayor of any city or corporation, or before the person having the chief command of any island or place where she may be, if executed in any foreign territory in the presence of any accredited representative of the country of the married woman, or in the presence of the person in chief command of the country, territory, colony, place, city or town corporate, or city or town being in the nature of a corporation, having a public chief officer where she may be, upon being examined separately and apart from her husband, acknowledge that she understood the nature of such grant when she executed the same, and that she executed the same freely and voluntarily without any violence, threat, or compulsion on the part of her husband or of any other person, and any of the officers aforesaid, upon being requested so to do, shall and may take such examination, and after explaining the nature of the grant, and such acknowledgment as aforesaid being made, shall place a certificate upon the grant in the form in the second Schedule hereunto annexed, which certificate purporting to be signed by any such officer shall be conclusive evidence of the contents thereof without proof of the handwriting or office of the functionary or seal (if any) used by him before whom it purports to be signed, unless it shall be proved that the same is a forgery.
2. That every such grant shall be signed by the parties and attested by two witnesses, whose place of abode and business shall be stated: Provided that where a chartered company or corporation is a party to any such grant, such company or corporation may execute the grant in the same manner as any other deed can be executed by any such company or corporation.
3. That sealing, except as aforesaid, and indenting and delivery shall not be necessary, and a receipt in the grant shall be valid, and every such grant shall have the effect of an indenture, although not actually indented, and shall to all intents and purposes be and be deemed and taken to be a deed.
4. That section 2 of an "Act to Facilitate the Conveyance of Real Property," passed in the 8 and 9 Vict., c. 119, shall be deemed and taken to be a part of this Ordinance, and to apply to each and every grant made in pursuance hereof, and shall be construed as if the same had been contained in this Ordinance.
5. That in every such grant for valuable consideration there shall be implied, so far as the same can be implied, each and every of the covenants contained in column 2 of the second Schedule of the said "Act to Facilitate the Conveyance of Real
- Form of grant.
- To be acknowledged by married women.
- In this Colony.
- In any part of the British dominions.
- Attestation.
- Proviso where chartered company or corporation.
- Delivery, indenting, receipt.
- Grant to include all houses, &c., and the reversion and all the estate.
- Covenants implied.

Property," by each conveying party severally for himself, his heirs, executors, and administrators, to the extent of the interest departed with by him with and to the covenantee, his heirs and assigns.

Against her husband.

6. That in any case where any of the covenants aforesaid would be implied by or in any woman if unmarried, the same shall be implied by or in her husband if she shall be married.

Remedy on implied covenant.

7. That any covenant implied by virtue of this Ordinance shall have the same force and effect and be enforced in the same manner as if it had been set out at length in the grant.

Implied covenants may be negatived.

8. That any covenant implied in any such grant may be modified by express declaration, and whenever any party shall use negatively in any such grant any of the form of words contained in column 1 of the second Schedule of the said "Act to Facilitate the Conveyance of Real Property," and distinguished by any number therein, such grant shall be taken to have the same effect, and be construed as if such party had expressly negatived in such grant the form of words contained in column 2 of the same Schedule, and distinguished by the same number as is annexed to the form of words used by such party, but it shall not be necessary in any such grant to insert any such number.

Grant failing to take effect by this Ordinance to be valid as a deed and indenture.

9. That any grant or part of a grant which shall fail to take effect by virtue of this Ordinance, shall nevertheless be taken and construed to be a deed and indenture and be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit.

Schedules, &c., to form part of Ordinance.

10. That the schedules annexed and the directions and forms therein contained shall be deemed and taken to be parts of this Ordinance, and the schedules and the directions and forms contained in the said recited Act of Parliament shall be deemed and taken to be parts of this Ordinance, save and except that in the second Schedule the words "hereunder written" in Form 6 of the second column and the words "enumerated hereunder" in Form 6 of the first column shall be taken to be omitted and the Forms in the first column shall be altered negatively, and for the purposes of this Ordinance the said last-mentioned Schedule shall be read as so altered.

11. That the scale of fees contained in Schedule 3 may be charged and received to the use of the officers and persons therein mentioned, and no higher fees shall be recoverable in law.

Not to affect the Ordinance for the Registration of Land, &c.

12. That nothing in this Ordinance contained shall be deemed to be taken to affect or alter the Ordinance intituled "An Ordinance for the Registration of Land, Births, and Deaths."

Ordinance to commence on the 1st February, 1853.

13. Whereas the delay incident to a previous communication with Her Majesty to know her royal pleasure hereupon, would be productive of inconvenience; be it therefore enacted, that this Ordinance shall take effect and come into operation on the first day of February, one thousand eight hundred and fifty-three.

SCHEDULES.

SCHEDULE I.—Section I.

This grant, made the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, in pursuance of the "Conveying Ordinance" between *A. B.*, of \_\_\_\_\_, (*A*) of the one part, and *E. F.* of the other part: Witnesseth, that in consideration of \_\_\_\_\_ pounds paid by the said *E. F.* (grantee or grantees) to the said *A. B.* (the receipt whereof is hereby acknowledged), he or they the said *A. B.* doth or do grant (*B*) unto the said *E. F.* (grantee or grantees) his or their heirs and assigns for ever, all that parcel of land in the Falkland Islands, situate, &c. (*D*).

(A) and *C. D.* his wife.

(B) and she the said *C. D.* doth release.

(D) Referring, if possible, to the number or sub-number in the Registrar's books and maps, and defining the situation, boundaries, and measurement.

[Here insert Covenants, if any.]

In witness whereof, the parties have hereunto set their hands.

*A. B.* (Signature.)  
*E. F.* (Signature.)

If a chartered Company or Corporation,  
Signed by the above-named *A. B.* and  
*E. F.* in presence of us.

(L. S.)

*E. S.* of \_\_\_\_\_, Merchant.  
*G. H.* of \_\_\_\_\_, Grocer.

The parts (*A*) and (*B*) to be inserted only where dower is to be barred.

## SCHEDULE II.—Section 1.

I hereby certify that the above-named *C. D.* appeared before me this day of \_\_\_\_\_, and was examined separately and apart from her husband, and that I explained to her the nature of this grant, and she acknowledged that she understood the nature of it when she executed the same, and that she executed the same freely and voluntarily without any violence, threat, or compulsion on the part of her husband or of any other person.

Certificate of acknowledgment to bar dower to be placed on the deed only where dower is to be barred.

(Signed) At this day of \_\_\_\_\_

*A. B.*  
\* Chairman of the Magistrates Court.

\* If in this Colony.

† Office or dignity of the person before whom the acknowledgment was made.

† If not in this Colony.

## SCHEDULE III.—Section 2.

	£	s.	d.
To the Surveyor-General, or other competent surveyor or registrar for the time being ... ..	0	5	0
For a description of a subdivision of a former grant ... ..	0	5	0
For placing a diagram on the instrument ... ..	0	5	0
To solicitor or other person for engrossing a grant on parchment or paper...	1	10	0
For filling up parchment printed form of grant ... ..	0	10	0
For placing a certificate of acknowledgment to bar dower on any grant not printed ... ..	0	5	0
For attending the functionary to obtain a certificate of acknowledgment on any grant ... ..	0	5	0
To the functionary upon the examination, upon each grant whether the certificate be refused or granted ... ..	0	6	0

(Signed) GEORGE RENNIE, *Governor.*

Passed the Legislative Council on the 29th of January, 1853.

(Signed) J. R. LONGDEN, *Colonial Secretary.*

## 5.

## Auctioneers' Ordinance.

In the Year 1853.—No. 5.

## Clause.

1. Power to Grant Licenses. Partners. Licenses may be transferred.
2. Who to be deemed an Auctioneer. Penalty for selling without a License.
3. Auction Duty. Exceptions.
4. No duty if a Lot bought in and the reserved price publicly stated.
5. Catalogue and Conditions of Sale to be sent to the Governor.
6. Account of Sales.
7. Auctioneers selling on board of a vessel.
8. Duties how recovered.
9. Fines how recovered.
10. Excepted cases.
11. No Licensed Person to act as a Justice.
12. Ordinance to commence on 1st August, 1853.

By His Excellency GEORGE RENNIE, Esquire, Governor and Commander-in-Chief of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof; be it enacted:—

1. THAT it shall be lawful for the Governor, or such person as the Governor shall from time to time appoint at discretion, to grant to any person or company a license, in the Form A annexed, to carry on the business of an auctioneer, on his or their own account, or by his or their agent, as the case may be, upon the payment to the Governor, or other person as aforesaid, of twenty pounds, which shall be in force for the period of twelve months from the day of its date: Provided, that persons in partnership, carrying on business by one agent as auctioneer, shall not be obliged to take out more than one license in one year

Power to grant licenses.

Partners.