CAP. LXXV.

An Act to remove Doubts concerning the due Acknowledgment of Deeds by Married Women in certain Cases. [7th *August* 1854.]

3 & 4 W. 4. c. 74.

'WHEREAS by the Act passed in the Session of Parliament holden in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-four, "for the "Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of "Assurance," it is provided that every Deed to be executed by a Married Woman for any of the Purposes thereof, except such as may be executed by her in the Character of Protector for the sole Purpose of giving her Consent to the Disposition of a Tenant in Tail, shall, upon her executing the same or afterwards, be produced and acknowledged by her as her Act and Deed before a Judge of One of the Superior Courts at *Westminster*, or a Master in Chancery, or before Two of the Perpetual Commissioners or Two Special Commissioners to be respectively appointed as therein provided, and a Certificate of the taking of such Acknowledgment is thereby directed to be lodged with some Officer of the Court of Common Pleas at *Westminster*, who is directed, after satisfying himself that the Requisitions of the said Act have been complied with in manner therein mentioned, to cause the said Certificate to be filed of Record in the said Court of Common Pleas: And whereas it is apprehended that Deeds executed by Married Women under the Provisions of the said Act may be liable to be invalidated by the Circumstance that the Judge, or Master in Chancery, or One or both of the Commissioners, taking the Acknowledgment, may be or may have been interested or concerned, either as a Party or otherwise, in the Transaction giving Occasion for such Acknowledgment, and it is not expedient that Deeds executed in good Faith under such Circumstances should be invalidated:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acknowledgment of Deed not impeachable by reason only of Party before whom same was taken being interested.

I. No Deed which has been acknowledged or which shall hereafter be acknowledged by a Married Woman before a Judge of One of the Superior Courts of *Westminster*, or a Master in Chancery, or before Two of the Perpetual Commissioners or Two Special Commissioners appointed as by the said Act is required, shall be impeached or impeachable at any Time after the Certificate of such Acknowledgment has been filed of Record in the Court of Common Pleas at *Westminster*, by reason only that such Judge or Master in Chancery, or such Commissioners, or either of them, was or were interested or concerned, either as a Party or Parties, or as Attorney or Solicitor or Clerk to the Attorney or Solicitor of one of the Parties, or otherwise, in the Transaction giving Occasion for such Acknowledgment.

Staying Proceedings for quashing Certificate of Acknowledgment.

II. Provided, That if any Proceeding instituted before the Thirteenth Day of *July* One thousand eight hundred and fifty-four in the said Court of Common Pleas, for the Purpose of quashing or taking off the File of Records of the said Court any Certificate of an Acknowledgment of a Deed by a Married Woman, on the Ground that such Judge or Master in Chancery, or either of such Commissioners, was interested or concerned as aforesaid, shall be pending at the passing of this Act, it shall be lawful for the said Court to proceed with and dispose of the same as if this Act had not passed, except that if the said Court shall be satisfied that any Person or Persons acting *bonâ fide* has or have been induced by the Terms of the Orders made by the said Court in *Hilary* Term One thousand eight hundred and thirty-four to acknowledge, or to accept a Title depending on the Acknowledgment of, any Deed or Deeds before Commissioners, One of whom may have been interested or concerned as aforesaid, the said Court may refuse to permit the Certificate to be quashed or taken off the File on such Terms as to the Payment of Costs and Expenses as the said Court shall think fit to make.

Court of Common Pleas may make Rules, &c.

III. The Court of Common Pleas may from Time to Time make any Rules which to them may seem fit for preventing any Commissioners interested or concerned as aforesaid from taking any Acknowledgment under the said recited Act, anything herein contained to the contrary notwithstanding, so nevertheless that no such Rule shall make invalid any Acknowledgment after the Certificate shall have been filed of Record as aforesaid.