



ANNO TRICESIMO QUINTO ET TRICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1872.

No. 23.

An Act for increasing the facilities for the taking of Acknowledgments of Married Women, and for other purposes.

[Assented to, 27th November, 1872.]

WHEREAS very great inconvenience is often occasioned to Preamble.
the public of South Australia by the expense and trouble
persons are put to in getting acknowledgments taken by married
women, and in getting affidavits taken, and it is desirable to
give the Governor greater power to appoint Commissioners for
taking such acknowledgments and affidavits, and to give certain
persons power to take such acknowledgments and affidavits without
any special appointment—Be it therefore Enacted by the Governor
of the Province of South Australia, with the advice and consent of
the Legislative Council and House of Assembly of the said
Province, in this present Parliament assembled, as follows:—

1. The Governor, with the advice and consent of the Executive Governor may appoint
Commissioners to take
acknowledgments of
married women.
Council, may appoint any Justice of the Peace, or Practitioner of
the Supreme Court, to be a Commissioner for taking the acknow-
ledgments of married women, and any such appointment at pleasure
may revoke, and any person so appointed shall have and exercise
all the powers and duties of a Commissioner lawfully appointed
under an Ordinance, No. 15 of 1845, intituled "An Ordinance to
render effectual conveyances by married women, and to declare the
effect of certain deeds in relation to dower," or as if in any other
manner lawfully appointed.

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2. The

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Governor may appoint
Commissioners for
taking affidavits.

2. The Governor may, with the advice and consent aforesaid, appoint any Justice of the Peace, Practitioner of the Supreme Court, or Clerk of a Local Court, to be a Commissioner for taking affidavits in the Supreme Court, and any such appointment at pleasure may revoke; and every person so appointed shall have all the powers and duties which Commissioners for taking affidavits now have; and all affidavits, declarations, and affirmations taken by any person appointed under this Act shall be as valid and effectual, to all intents and purposes, as if the same had been taken before the Supreme Court itself: Provided, in case of an affidavit, declaration, or affirmation taken before a Clerk of the Local Court, his signature thereto shall be authenticated by the seal of the Local Court.

Special Magistrates
ex officio Commis-
sioners.

4. Any person who shall wilfully swear, declare, or affirm falsely in any affidavit, deposition, affirmation, or declaration, made under the provisions hereof or before any person appointed by virtue of this Act, shall be and shall be deemed to be guilty of perjury, and shall and may be prosecuted for such offence accordingly.

False affirmation,
perjury.

5. Any person who shall wilfully take any acknowledgment, affidavit, affirmation, or declaration, not being thereunto lawfully authorized, shall be guilty of a misdemeanor, and shall be liable to be punished by imprisonment not exceeding one year, or by fine not exceeding One Hundred Pounds.

Punishment for im-
properly taking ac-
knowledgments, &c.

6. If any person shall forge the seal of a Local Court, or shall fraudulently affix the same to any affidavit, declaration, affirmation, or acknowledgment, or shall forge the signature of any Special Magistrate, Justice of the Peace, Practitioner of the Supreme Court, Clerk of a Local Court, or Commissioner for taking affidavits, or shall knowingly use or concur in using any such counterfeit or forged seal or signature, or knowingly tender in evidence any document with a false or counterfeit signature or seal fraudulently used, every such person shall be guilty of felony, and shall, upon conviction, be liable to be imprisoned with or without hard labor for any period not less than seven years; and whenever any such document has been admitted in evidence, the Court or the person who has admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and kept in the custody of some officer of the Court, or other proper person for such period, and subject to such conditions, as to the said Court or person shall seem meet.

Forging seal of Court.

Supreme Court to take
judicial notice of sig-
natures and seals.

7. The Supreme Court and the Judges, the Master, and other officers thereof shall take judicial notice of the signature of every person before whom affidavits, declarations, affirmations, and acknowledgments are hereby authorized to be made, which shall be
subscribed

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subscribed to any affidavit, declaration, affirmation, or acknowledgment taken under the provisions of this Act, and of the seal of any Local Court attached to any such affidavit, declaration, affirmation, or acknowledgment.

In the name and on behalf of the Queen, I hereby
assent to this Bill.

JAMES FERGUSSON, Governor.