

the same had been acknowledged either in the provincial or county court where such land lieth, and be a sufficient warrant for such county clerk where the land lieth, to enrol the same; and if any such grantor or bargainer of any lands or tenements as aforesaid, shall happen to be out of this province, within any of his majesty's dominions, at the time of the ensembling such writing or writings indented, so as the same cannot be acknowledged, as is before directed, or enrolled within the time for that purpose herein before limited, that in every such case such lands or tenements as aforesaid shall be acknowledged by a letter of attorney, well and sufficiently proved, either in the provincial or county court where such lands or tenements lie, or before one justice of the provincial court, or two justices of the county court as aforesaid, and be enrolled as aforesaid, any thing herein before contained to the contrary thereof notwithstanding.

See 1807, ch. 55, 154, and 1813, ch. 104.

The act of November, 1766, ch. 14, (reciting that this act extends to conveyances by bargain and sale only,) prescribes a mode (substantially the same) for the acknowledgment, &c. of every conveyance by which 'any estate of inheritance or freehold, or any declaration or limitation of use, or any estate for above seven years,' shall pass or take effect.

Deeds, &c.  
when to  
take effect,  
&c.

SEC. 10. *And be it further enacted, by the authority aforesaid,* That every such writing indented, to be acknowledged and enrolled as aforesaid, shall have relation, as to the passing and conveying of the premises, and the estate and estates thereby passed, or intended to be passed and conveyed, by and from the day of the enrolment of the same, and not from the day of the date thereof; and shall at all times be construed and taken more favourably and beneficially for the benefit and advantage of the grantee or grantees, and more strongly for the barring the grantors therein to be named, and according to such intents, as by the words thereof shall appear to have been the true intent of the parties thereunto, although the same be not so firmly drawn as is used in England, where the advice of counsel learned in the law may be easily had.

By November, 1766, ch. 14, sec. 5, such writings, deeds, &c. thereafter to be made, shall have relation as to conveying the premises, &c. to the day of the date.

See 1825, ch. 203, by which deeds for the same land, are to have preference according to their priority of enrolment, provided the deed claiming such preference shall be made bona fide.

Proviso.

SEC. 11. *Provided always,* That if any feme covert be named as a grantor in any such writing indented, the same shall not be in force to debar her or her heirs, except upon her acknowledgment of the same, and the person or persons taking such her acknowledgment, shall examine her privately, out of the hearing of her husband, 'whether she doth make her acknow-