

How to be acknowledged by a grantor, out of the province.

5. PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, *by the authority aforesaid, by and with the advice and consent aforesaid,* That where the grantor or grantors, bargainor or bargainors of any such manors, lands, tenements or hereditaments, shall happen to be out of this province, and within any of their majesties' dominions, at the time of the ensembling of such writing or writings indented, so as the same cannot be acknowledged in manner and form as is before directed, or enrolled within the time for that purpose herein before limited, that in every such case the acknowledgment of such writing or writings, before the chief governor or governors of any their said majesties' plantations, or before the mayor or chief magistrate of any city or town corporate within their said majesties' dominions, and a certificate thereof under the hand and seal of such governor or governors, or under the common seal of such city or town corporate, annexed or affixed unto such writing indented, together with such certificate in the provincial court before mentioned, within two years next after the date of the said writings indented, shall be a sufficient acknowledgment and enrolment in the law, to all intents and purposes, as effectual and available for the passing and conveying the manors, lands, tenements and hereditaments thereby intended to be passed and conveyed, as if the same had been acknowledged in this province, and enrolled according to the intention and direction of this act; any thing herein before contained to the contrary hereof notwithstanding.

Conveyances to take effect from the day of enrolment.

4. AND BE IT FURTHER ENACTED, *by the authority aforesaid, by and with the advice and consent 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, only 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 most favourably and beneficially for the benefit and advantage of the grantee and grantees, and more strongly for the barring of the grantor and grantors therein to be named, and according to such intent, as by the words thereof shall appear to have been the true intendment of the parties thereunto, albeit the same shall not happen to be drawn and penned in such strict formal manner as is in England, and other countries, where the advice of council learned in the laws of the country may easily be had in the drawing, penning and writing of instruments of the like nature.

Femme Covert, how to be examined on acknowledgment.

5. PROVIDED ALWAYS, That any married woman, or *femme covert*, shall happen to be named a party-grantor in any such writing indented, the same shall not be of force to debar her or her heirs; except, upon her acknowledgment of the same, the person or persons taking such her acknowledgment, shall examine her privately and secretly, out of the hearing of her husband, whether she do make such acknowledgment of the same to the person or persons taking such her acknowledgment, willingly and freely, and without being induced thereunto, by any fear or threats of, or used by, her husband, or through fear of his displeasure: and that, upon examination, she shall own the said acknowledgment to be free and voluntary. And the person or persons so examining her shall, in the note or certificate of the caption of the said acknow-