

sufficient warrant for such county clerk where the land lieth, to enrol the same.

How by letter of attorney.

3. AND if any such grantor or bargainer of any such lands or tenements as aforesaid, shall happen to be out of this province, and within any his Majesty's dominions, at the time of en sealing 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, such lands or tenements as aforesaid, shall be acknowledged by letter of attorney, well and sufficiently proved, either in the provincial, or county court where such lands or tenements lie, or before two justices of the provincial or county court as aforesaid, for acknowledgment, and be enrolled as aforesaid; any thing herein before contained to the contrary hereof notwithstanding.

To take effect from the day of enrolment.

4. 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 of the grantor or 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 the council learned in the law may easily be had.

*Feme covert* how to be examined.

5. PROVIDED ALWAYS, That if any *feme covert* be named as 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. And the person or persons taking such her acknowledgment, shall examine her privately, out of the hearing of her husband, whether she do make her acknowledgment of the same, willingly and freely, and without being induced thereunto by fear, or threats of, or used by, her husband, or fear of his displeasure? And the person or persons so examining her, shall, in a note or certificate of the said caption of the said acknowledgment, certify her examination and acknowledgment thereupon: And that such certificate be likewise enrolled upon record; in which case only such *feme covert* shall be barred, and not otherwise; any thing herein before contained to the contrary notwithstanding.