

No. XXII.

POWERS OF
ATTORNEY.An Act to give greater effect to Powers of
Attorney. [26th September, 1853.]

Preamble.

WHEREAS difficulties frequently arise as to titles to land and other property by reason of conveyances or other instruments and acts affecting the same having been executed and done under Powers of Attorney from absent persons of whom it cannot be known whether they are alive or whether they may not have revoked such Powers of Attorney at the date of the execution of such conveyances or other instruments Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows :—

Conveyances &c.
under certain Powers
of Attorney executed
after death or revoca-
tion and before
notice thereof to be
valid.

1. Whenever the person who may have executed or shall hereafter execute any Power of Attorney (whether such person were or be at the time within the Colony or not) shall have declared or shall declare therein that such power shall continue in force until notice of his death or of the revocation of such power shall have been received by the Attorneys named therein then and in every such case such power shall operate accordingly and every act hereafter done performed or submitted to by the said Attorneys within the scope of the powers and authority conferred upon them after such death or revocation as aforesaid and before notice thereof shall have been received shall be as effectual in all respects as if such death or revocation had not happened or been made and a solemn declaration made by any such Attorney that he has not received any notice of the revocation of such Power of Attorney by death or otherwise shall if made immediately before or after executing any such conveyance or other instrument as aforesaid or doing performing or submitting to any such act as aforesaid be taken to be conclusive proof of such non-revocation at the time of such execution in favor of any person who shall *bonâ fide* and for valuable consideration and without notice to himself of any such revocation have accepted any such conveyance or other instrument from or dealt with such Attorney in the name of his principal.