

167. In any action for a breach of any such covenant the covenant alleged to be broken may be set forth in the statement of claim, and it may be alleged that the party against whom such action is brought did so covenant precisely in the same manner as if such covenant had been expressed in words in such instrument, any law or practice to the contrary notwithstanding.

Action for breach of covenant.
1908, No. 99, s. 168

Execution of Instruments.

168. (1.) Every instrument executed for the purpose of creating, transferring, or charging any estate or interest under this Act shall be signed by the registered proprietor and attested by at least one witness, and if the instrument is executed in New Zealand such witness shall add to his signature his place of abode and calling, office, or description, but no particular form of words shall be requisite for the attestation.

Instruments to be signed and attested.
Ib., s. 169
1913, No. 17, s. 18

(2.) Every instrument so executed shall, when registered, have the force and effect of a deed executed by the parties signing the same.

When instruments deemed to be attested.
1908, No. 99, s. 170

169. Instruments executed as aforesaid shall be held to be duly attested, and the execution thereof may be proved before a District Land Registrar, Assistant Land Registrar, or any deputy of either of such officers, or before a notary public, Justice of the Peace, or a solicitor of the Supreme Court if the parties executing the same are resident within New Zealand, by the oath or statutory declaration of the parties executing the same, or of a witness attesting the signing thereof.

170. (1.) If the attesting witness answers in the affirmative each of the questions following, that is to say,—

Questions to attesting witness, and certificate thereon.
Ib., s. 171

(a.) Are you the witness who attested the signing of this instrument, and is the name [or mark] purporting to be your name [or mark] as such attesting witness your own handwriting?

(b.) Do you personally know _____, the person signing this instrument and whose signature you attested?

(c.) Is the name purporting to be his signature his own handwriting, is he of sound mind, and did he freely and voluntarily sign the same?

—then the Registrar, Justice, or other person before whom such witness proves such signature as aforesaid shall indorse upon such instrument a certificate in the form numbered (1) in the Seventh Schedule hereto.

(2.) The questions aforesaid may be varied as circumstances require in case any person signs any such instrument by his mark.

171. If the person executing such instrument is personally known to the Registrar, Justice, or other person as aforesaid he may attend and appear before such Registrar, Justice, or other person and acknowledge that he did freely and voluntarily sign such instrument; and upon such acknowledgment the Registrar, Assistant Registrar, or any deputy of such officer, Justice, or other person shall indorse on such instrument a certificate in the form numbered (2) in the Seventh Schedule hereto.

Acknowledgment by party to instrument, and certificate thereon.
Ib., s. 172

172. A married woman shall, for the purpose of any dealing by her under this Act, be deemed a *feme sole*.

Married woman deemed *feme sole*.
Ib., s. 174

173. A corporation, in lieu of signing any instrument, may execute the same by affixing thereto the common seal of the corporation

Corporation may execute under seal
Ib., s. 175