CHAPTER 23.

An Act to remove doubts concerning the due Acknowledgment of Deeds by Married Women in Ireland in certain cases. [17th June 1878.]

4 & 5 W. 4. c. 92.

WHEREAS by the Act passed in the session of Parliament holden in the fourth and fifth years of King William the Fourth, chapter ninety-two, for the abolition of fines and recoveries and for the substitution of more simple modes of assurance in Ireland, it is provided that every deed to be executed by a married woman for any of the purposes thereof, except such as may be executed by her in the character of protector for the sole purposes of giving her consent to the disposition of a tenant in tail, shall, upon her executing the same or afterwards, be produced and acknowledged by her as her act and deed before a Judge of one of the Superior Courts at Dublin or a Master in Chancery, or before two of the perpetual Commissioners, or two special Commissioners to be respectively appointed as therein provided; and a certificate of the taking of such acknowledgment is thereby directed to be lodged with some officer of the Court of Common Pleas in Dublin, who is directed, after satisfying himself that the requisitions of the said Act have been complied with in manner therein mentioned, to cause the said certificate to be filed of record in the said Court of Common Pleas:

40 & 41 Vict. c. 56.

And whereas by the County Officers and Courts (Ireland) Act, 1877, it is enacted that any acknowledgment to be made by any married woman under the said Act of the fourth and fifth William the Fourth may be received by any Chairman in the same manner in which such acknowledgment may be received by a Judge of a superior court:

And whereas it is apprehended that deeds executed by married women under the provisions of the said Act may be liable to be invalidated by the circumstances that the Judge or Master in Chancery, or Chairman, or one or both of the Commissioners taking the acknowledgment, may be or may have been interested or concerned, either as a party or otherwise, in the transaction giving occasion for such acknowledgment, and it is not expedient that deeds executed in good faith under such circumstances should be invalidated:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extent of Act.

1. This Act shall not apply to England or Scotland.

Short title.

2. This Act may be cited as the Acknowledgment of Deeds by Married Women (Ireland) Act, 1878.

Acknowledgment of deed not impeachable by reason only of party before whom same was taken being interested.

3. No deed which has been acknowledged by a married woman before a Judge of one of the Superior Courts at Dublin or a Master in Chancery, or which has been acknowledged or which shall hereafter be acknowledged before a Judge of the High Court of Justice in Ireland, or a Chairman, or before two of the perpetual Commissioners or two special Commissioners appointed as by the said Act is required, shall be impeached or impeachable at any time after the certificate of such acknowledgment has been filed of record by reason only that such Judge, Chairman, or Master in Chancery, or such Commissioners, or either of them, was or were interested or concerned either as a party or parties, or as attorney or solicitor or clerk to the attorney or solicitor of one of the parties, or otherwise in the transaction giving occasion for such acknowledgment.

Staying proceedings for quashing certificate of acknowledgment.

4. Provided that if any proceeding instituted before the ninth day of May one thousand eight hundred and seventy-eight in the said High Court of Justice in Ireland for the purpose of quashing or taking off the file of records of the said Court any certificate of an acknowledgment of a deed by a married woman on the ground that such Judge, Chairman, or Master in Chancery, or either of such Commissioners, was interested or concerned as aforesaid, shall be pending at the passing of this Act, it shall be lawful for the said Court to proceed with and dispose of the same as if this Act had not passed, except that if the said Court shall be satisfied that any person or persons acting bonâ fide has or have been

induced by the terms of the orders made by the said Court of Common Pleas to acknowledge or to accept a title depending on the acknowledgment of any deed or deeds before Commissioners one of whom may have been interested or concerned as aforesaid, the said High Court may refuse to permit the certificate to be quashed or taken off the file on such terms as to the payment of costs and expenses as the said High Court shall think fit to make.

High Court of Justice may make rules.

5. The Common Pleas Division of the High Court of Justice in Ireland may, from time to time, make any rules which to them may seem fit for preventing any Commissioners interested or concerned as aforesaid from taking any acknowledgment under the said recited Act, anything herein contained to the contrary notwithstanding, so nevertheless that no such rule shall make invalid any acknowledgment after the certificate shall have been filed of record as aforesaid.

CHAPTER 24.

An Act to amend the Public Works Loans (Ireland) Act, 1877, so far as relates to Lunatic Asylums. [4th July 1878.]

40 & 41 Vict. c. 27.

WHEREAS it was enacted by the fifth section of the Public Works Loans (Ireland) Act, 1877, that after the thirty-first day of March one thousand eight hundred and seventy-eight, advances should not be made out of the Consolidated Fund for the opening or maintenance of lunatic asylums, but no sufficient provision was made by the said Act for authorising presentments to be made by grand juries upon estimates of the expense necessary for the maintenance of such asylums, nor for the apportionment of such expense between two or more counties, and it is necessary to make such provision:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Expenses of maintenance of lunatic asylums.

1. The inspectors of lunatics in Ireland shall, at such times in each year and in such manner and form and for such period as the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of the Privy Council in Ireland, shall from time to time direct, estimate the sums of money which shall be necessary for the support and maintenance of every district lunatic asylum, including the support and maintenance of the officers thereof and patients therein, and in every case in which the district of a lunatic asylum shall consist of more than one county shall estimate what proportion of such sums of money is to be contributed by and charged on each county comprised in the district of such lunatic asylum, and shall make out for each county a certificate in such form as the Lord Lieutenant or other chief governor or governors shall from time to time prescribe, under the hands or hand of the said inspectors or one of them, specifying the amount of money so estimated to be necessary for the support and maintenance of the district lunatic asylum of and for such county during the said period, and specifying that the whole or a certain portion thereof, as the case may be, is properly contributable by and chargeable on the said county, and shall transmit the certificate to the secretary of the grand jury of such county, (when approved and certified by the Chief or Under Secretary to the Lord Lieutenant,) to be laid before the grand jury, and thereupon the grand jury of such county shall (without any previous proceeding at presentment sessions) make a presentment for the amount specified in such certificate as properly contributable by the said county, to be raised off the county at large, and to be paid to the governors of the district lunatic asylum, or in default thereof the amount shall be raised by an order of the judge of assize or of the court at any presenting term, which order shall have the force of a presentment. In this Act the term "county" extends to and includes any county of a city or county of a town included at the time of the passing of this Act in the district of any district lunatic asylum, and the term "grand jury," as regards any city or borough the town council of which is authorised

Interpretation of terms.