ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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C A P. XXXII.

An Act for better recording Fines and Recoveries in *Wales* and *Cheshire*. [18th *June* 1842.]

WHEREAS the Records of Fines levied and Recoveries suffered in the lately abolished Courts of Great Sessions in the Principality of *Wales*, and the lately abolished Court of Session in the County Palatine of *Chester*, were in many Cases so irregularly and carelessly engrossed and kept, that divers Purchasers and others whose Titles were intended to be secured by and under the said Fines and Recoveries are in danger to have the same impeached, notwithstanding that the said Fines and Recoveries had duly passed all the Offices, and that the Lands intended to be thereby assured are sufficiently described in the Proceedings upon such Fines and Recoveries: 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, That all Fines levied in the lately abolished Courts of Great Sessions in the Principality of *Wales*, or in the lately abolished Court of Session of the County Palatine of *Chester*, of which the Writ of Covenant was duly returned and compounded, and of which the Acknowledgment was before the Judge or by Commissioners duly taken and allowed, and of which the said Writs and Concords, with other Proceedings, were lodged in the Office of the Prothonotary of the County in which

All Fines levied in the late Courts of Great Sessions in Wales and the Court of Session in Cheshire, shall be held to be good in

Law, notwithstanding any Neglect in keeping the Record.

which the Lands named in such Writs are situated, shall be holden good and firm in Law, notwithstanding the Misprision or Neglect of any Prothonotary, Deputy Prothonotary, Secondary, or other Officer of any of the said Courts, or their Clerks, or any other public Officer whatsoever, to file the same, or to engross the Chirograph or Foot of such Fine, to endorse or record the Proclamations thereof, or to enrol or docket the said Fine, or do any other thing which by his Office he ought to have done after the Acknowledgment of the said Fine.

Certain Fines taken to be levied with Proclamations.

II. And be it enacted, That where it shall be needful to prove that any Fine which appears to have been duly acknowledged was levied with Proclamations in any of the said Courts, it shall be taken to have been so levied, and shall have all the Force of a Fine levied with Proclamations, although no Chirograph or Foot of such Fine be found endorsed with the Proclamations, nor any Entry of them or any of them appear on Record, if such Fine were duly enrolled or entered on the Plea Roll of the Session in which it was levied, or docketed in the Docket Roll or Docket Book of such Session, so as to set forth the Names of the Parties and the Places in which the Lands are situated of which such Fine was levied; or if within Three Years from the passing of this Act, or such further Time as the Court of Common Pleas shall in any Case allow, such Fine shall have been docketed, in such Form as aforesaid, in Docket Rolls or Docket Books of Parchment or Vellum, by the several late Prothonotaries of the said abolished Courts, or in case of the Death or Inability of any such Prothonotary by some Person or Persons appointed for that Purpose by the Master of the Rolls; or if within the said Period of Three Years, or such further Time as the Court of Common Pleas shall in any Case allow, the Writ of Covenant, and the Concord and all other Proceedings of such Fine, shall have been enrolled, with the Allowance of the said Court, in a Book or Books, Roll or Rolls of Parchment or Vellum, as herein-after provided: Provided always, that any such Fine may be reversed by Writ of Error issued within Twenty Years from the levying thereof.

Certain Recoveries declared good in Law.

III. And be it enacted, That all Recoveries suffered in any of the said abolished Courts whereof the Writ of Entry was duly returned, and the Appearance of the Tenant and Vouchee or Vouchees duly recorded by the Court, or the Warrant or Warrants of Attorney duly executed and allowed, and of which the said Writ and other Proceedings (if any) was or were lodged in the Office of the Prothonotary of the County in which the Lands named in the said Writ are situated, shall be holden good and firm in Law, notwithstanding the Non-enrolment or Non-exemplification of such Recovery, or any other Misprision or Neglect of any Prothonotary or other Officer as aforesaid to do any thing which by his Office he ought to have done after the recording of the Appearance of the Tenant and Vouchee or Vouchees, or the Execution and Allowance of the Warrant or Warrants of Attorney: Provided nevertheless, that where no Enrolment on the Plea Roll of the Session in which such Recovery was suffered, or any Exemplification of a pretended Enrolment thereof, sealed with the judicial Seal of the Court, or any Entry on the Remembrance Roll

sufficient to prove the Arraignment of the Writ of Entry, can be found or produced, no such Recovery shall be holden good by virtue of this Act, unless within Three Years after the passing of this Act, or such further Time as the Court of Common Pleas shall in any Case allow, the Writ of Entry or other Proceedings extant of Record touching the said Recovery shall be enrolled as herein-after provided, or such Recovery shall have been docketed in full and ample Manner as aforesaid: Provided also, that any such Recovery may be reversed by Writ of Error issued within Twenty Years from the suffering thereof.

Fines and Recoveries may be enrolled in the Office of Registrar of Court of Common Pleas.

IV. And be it enacted, That, subject to such Orders as the Court of Common Pleas from Time to Time shall make, any Person may at any Time henceforward cause the Writ, Concord, Chirograph, Proclamation, Appearance, Warrant of Attorney, and all or any other Proceedings in any Fine or Recovery levied or suffered in any of the said abolished Courts, and now extant among the Public Records thereof, to be enrolled in the Office of the Registrar of Certificates and Affidavits of Acknowledgments of Deeds by Married Women in the Court of Common Pleas, which Office, for the Purposes of an Act passed in the Twenty-seventh Year of Queen *Elizabeth*, intituled *An Act for Reformation of Errors in Fines and Recoveries in the Twelve Shires of* Wales *and Counties Palatine, and for Exemplification of Fines and Recoveries generally*, and under such of the Provisions of the said Act as are now capable of taking effect, shall be deemed to be the Enrolment Office therein named: Provided always, that no such Enrolment of any Writ of Covenant or Writ of Entry shall be made as aforesaid where such Writ shall not have been duly filed upon the proper File of the Session in which the same was returnable, unless the compounding of such Writ shall be proved to the Satisfaction of the said Registrar by an Entry thereof duly made in the Book of the Compounder of King's Silver for the County in which the Lands named in such Writ are situated; and in every such Case such Entry or Certificate of Composition made shall be enrolled together with such Writ.

27 Eliz. c. 9.

Saving the amending Power of Court of Common Pleas.

V. And be it declared and enacted, That the Court of Common Pleas shall have the same Power of amending any Fine or Recovery, and the Record or Enrolment thereof, whether as now extant, or as such Fine or Recovery, or any Proceedings thereof, shall hereafter be enrolled in manner aforesaid, as if the same had been originally levied, suffered, or had in the Court of Common Pleas.

Act may be amended,&c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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