CHAP. 72.

An Act for the further protection of Purchasers against Crown Debts, and for amending the Laws relating to the office of the Registrar of Judgments and other offices of the Court of Chancery, Ireland. [14th August 1871.]

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WHEREAS it is expedient to amend the laws relating to the office of the Registrar of Judgments in Ireland:

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:

Repeal of enactments set forth in Schedule A.

1. From and after the passing of this Act, the several parts of the Acts set forth in the Schedule A. to this Act annexed, to the extent to which such parts of Acts are by such schedule expressed to be repealed, are hereby repealed, except as to anything done before the commencement of this Act, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken or begun under any of such parts of Acts before the passing of this Act.

Registrar to enter particulars of memorandums in such books as shall be appointed by general orders made under this Act.

2. The Registrar of Judgments shall, from and after the passing of this Act, enter the particulars contained in every memorandum left with him for the registry or re-entry of any judgment, revival, decree, rule, order, lis pendens, or civil bill decree for poor rates, or for the registry or re-docketing of any recognizance, Crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office, in such books or book as shall be appointed by any general order made as by this Act is provided; and such entry shall be a sufficient compliance with any direction contained in any Act of Parliament that the said registrar should enter such particulars in any book: Provided always, that unless and until such general order shall be made, the said Registrar of Judgments shall continue to enter such particulars in the several

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books now kept in his office respectively in the manner provided by the Acts of Parliament in that behalf enacted: Provided also, that all persons shall be at liberty to search all books to be kept under the provisions of this Act on payment of the same amount of stamp duty as is now payable for searching the books at present kept in the said office.

Requisition for search.

3. From and after the passing of this Act, every person who shall require a search to be made in the office of the Registrar of Judgments, and a certificate of such search to be given, shall deliver unto or leave with the said registrar a note or requisition, in the words or to the effect of such one of the Forms (Nos. 1 or 2 in the Schedule B. to this Act annexed) as shall suit such person, or of such other form as shall from time to time be appointed by any general order which shall be made as by this Act is provided; and every such requisition shall be liable, in lieu of any existing stamp duty, to the duty set forth in the Schedule C. to this Act annexed.

Registrar to give certificate.

4. The said registrar shall, upon the delivery of such requisition, with all due diligence cause such search to be made and give to the person making such requisition a certificate setting forth the result of such search, in the words or to the effect of the Form No. 5 in the Schedule B. to this Act annexed, or of such other form as shall from time to time be appointed by any general order which shall be made as by this Act is provided; and if the said registrar shall be guilty of any fraud, collusion, or wilful neglect in making out such certificate, whereby any person shall be aggrieved or damnified, such person so damnified, his heirs, executors, or administrators, shall recover full damages against such registrar, with full costs of suit.

Registrar liable in damages for fraud, &c.

Requisition for duplicate searches.

5. If any person shall require a duplicate of any search made and certificate given after the passing of this Act, such person shall deliver unto or leave with the said registrar a note or requisition in the words or to the effect of the Form No. 4 in Schedule B. to this Act annexed, or of such other form as shall from time to time be appointed by any general order made as by this Act is provided; and every such requisition shall be liable to the stamp duty set forth in Schedule C. to this Act annexed.

Registrar to give duplicate.

6. The said registrar shall, upon the delivery of such requisition, with all due diligence cause such duplicate to be made and given to the person requiring the same, with a certificate at the foot thereof, or appended thereto, stating that the same is a duplicate of the search and certificate in such requisition mentioned.

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7. Every such duplicate so certified as aforesaid shall have the same force and effect, and shall be accepted and received in the same manner and for the same purposes, as an original search and certificate to the same extent and in the same terms.

Duplicate to have the force and effect of original.

8. The duties set forth in the Schedule C. to this Act annexed shall be impressed or affixed, denoted, and collected in like manner with the duties mentioned in the schedule annexed to the Act passed in the session of Parliament holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act for the better Regulation of the Office of the Registrar of "Judgments in Ireland," and shall be under the like care and management, and that the like rules, regulations, provisions, penalties, clauses, and matters contained in any Act shall be applicable thereto.

Stamp duties to be impressed and managed as heretofore.

13 & 14 Vict. c. 74.

9. It shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer in Ireland, or for any three of them, from time to time to make such general orders as shall to them seem fit, in relation to the books wherein shall be entered, by the said registrar, the particulars contained in any memorandum left with him for the registry or re-entry of any judgment, revival, decree, rule, order, lis pendens, or civil bill decree for poor rates, or for the registry or re-docketing of any recognizance, Crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office; and also in relation to the form of verbiage of all memorandums and requisitions authorised or directed by any Act of Parliament to be left with the said registrar, and to the material on which same shall be written or printed, and to the size of such material; and also by and with the consent of the Lords Commissioners of Her Majesty's Treasury for the time being to abolish or reduce the amount of stamp duty to be paid on any of the requisitions or matters set forth in Schedule C. to this Act annexed; and if it should be deemed proper, with the like consent again from time to time to revive or increase any of the duties so reduced, but not beyond the respective amounts in the said schedule set forth; and generally in relation to the conduct of business in the office of the said registrar and the duties of the said registrar and the other officers in his office, and from time to time to annul, alter, or vary such general orders.

Power for Lord Chancellor, Lord Chief Justice, Lord Chief Justice of Common Pleas, Lord Chief Baron, and Master of the Rolls to make General Orders to carry out the Act;

and with consent of Treasury to abolish and reduce stamp duties.

10. And whereas by an Act made and passed in the session of Parliament holden in the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act to facilitate the

11 & 12 Vict. c. 120.

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transfer of landed property in Ireland," provision was made whereby no bonds or recognizances to the Crown which shall be more than twenty years old from the date thereof shall affect lands, tenements, or hereditaments, as to purchasers, or mortgagees, or creditors, until duly re-docketed, according to the directions of the said Act; but no similar provision is made with respect to judgments obtained at the suit of the Crown: And whereas it is expedient to extend the principle of the aforesaid provision to such judgments: Be it enacted, that from and after the passing of this Act, no judgment obtained at the suit of the Crown which shall be more than twenty years old from the date thereof shall affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a memorandum or minute duly authenticated, containing the name and usual or last known place of abode, and the title, trade, or profession of the person whose estate is intended to be affected thereby, the court, and the title of the cause in which such judgment shall have been obtained, and the date of such judgment, and the amount of the debt, damages, and costs thereby recovered, shall be left with the Registrar of Judgments, who shall forthwith enter the same particulars in the book in the said Act mentioned, which book shall henceforward be entitled Re-docketed Crown Bonds, Recognizances, and Judgments at the suit of the Crown, or in such other book or books as shall be appointed by any general order made as by this Act is provided; and every such memorandum shall be liable to and impressed with the same duty as every memorandum for the registration of any recognizance, bond, judgment, or obligation to the Crown is now liable to.

Judgments at the suit of the Crown more than twenty years old not to affect purchasers or mortgagees unless re-docketed in the office of Registrar of Judgments.

11. No recognizance, Crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office, registered or re-docketed under an Act passed in the session of Parliament holden in the seventh and eighth years of Her present Majesty, intituled "An Act for the protection of purchasers against "judgments, Crown debts, lis pendens, and commissions of "bankruptcy, and for providing one office for the registering of "all judgments in Ireland, and for amending the laws in Ireland "respecting Bankrupts and the Limitation of Actions," or under the said Act of the twelfth year of Her Majesty, more than four years before the passing of this Act, shall, after the expiration of one year from the passing of this Act, affect lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute as is required for a

Recognizances and Crown bonds, &c. registered more than four years before the passing of this Act to be re-registered within one year after passing of this Act.

7 & 8 Vict. c. 90.

11 & 12 Vict. c. 120.

registry thereof, under the said Act of the eighth year of Her Majesty, be left with the officer appointed under that Act, within five years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within five years before the right of such creditor accrued: Provided always, that where twenty years from the date of such bond or recognizance to the Crown has expired, or will expire before the expiration of one year from the passing of this Act, nothing in this enactment contained shall be taken to dispense with the re-docketing under the said Act of the twelfth year of Her Majesty of such bond or recognizance to the Crown within such twenty years, or to give any greater validity or effect to such bond or recognizance than the same would have had under the provisions of the said Act of the twelfth year of Her Majesty in case this Act had not been passed. A.D. 1871.

Recognizances, Crown bonds, &c. registered within four years before the passing of this Act, or which shall be registered or re-registered after it, to be re-registered every five years.

7 & 8 Vict. c. 90.

11 & 12 Vict. c. 120.

12. No recognizance, Crown bond, judgment at the suit of the Crown, statute, inquisition, or acceptance of office, registered or re-docketed under the said Act of the eighth year of Her Majesty, or under the said Act of the twelfth year of Her Majesty, within four years before the passing of this Act, or which after the passing of this Act shall be registered or re-docketed or re-registered under either of the said Acts or under this Act, shall, after the expiration of five years from the date of such registry, re-docketing, or re-registry thereof, affect lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a like memorandum or minute as was required in the first instance be again left with such officer as aforesaid, within five years before the execution of the conveyance, settlement, mortgage, lease, or other instrument vesting or transferring the legal or equitable right to the estate or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within five years before the right of such creditor accrued, and so toties quoties at the expiration of every succeeding five years.

Stamp duty on memorandum for re-registry of recognizances, Crown bonds, &c. to be the same as the stamp duty on memorandums for re-registering judgments.

13. The memorandum or minute to be left with the said officer for the re-registry of any recognizance, Crown bond, judgment at the suit of the Crown, re-docketed recognizance or Crown bond, statute, inquisition, or acceptance of office, shall be subject and liable to the same amount of stamp duty as that to which a memorandum or minute for the re-registry of a judgment is at present subject and liable.

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14. And whereas the official establishment of the office of the said Registrar of Judgments at present consists, in addition to the said registrar and two searching clerks, and one writing clerk, of the following officers; that is to say, a chief clerk, a second clerk, and three junior clerks, who are respectively paid salaries according to a scale fixed by the Lords Commissioners of Her Majesty's Treasury:

In case of vacancy of any of the clerks except the most junior, the Lord Chancellor, &c. may promote from those holding appointments junior to that vacated, if it should be thought proper so to do;

If a vacancy occur in office of fifth clerk, and if Treasury think fit to fill up the same, it shall be filled up by competitive examination.

Be it therefore enacted, that if a vacancy shall occur in the office of such chief clerk, second clerk, third clerk, or fourth clerk, it shall be lawful for the said Lord Chancellor, Lord Chief Justice, Lord Chief Justice of the Common Pleas, Master of the Rolls, and Lord Chief Baron, or any three of them, to appoint such one of the clerks holding an office junior in the establishment to the one so vacant as they shall consider most fit to fill such vacancy; and if a vacancy shall occur in the office of the fifth clerk, and if the Lords Commissioners of Her Majesty's Treasury shall consider it expedient to fill the same, be it further enacted, that it shall and may be lawful for the said Lord Chancellor, Lord Chief Justice, Lord Chief Justice of the Common Pleas, Master of the Rolls, and Lord Chief Baron of the Exchequer, or any three of them, to nominate a sufficient number, not being less than five, of fit and competent persons, from amongst whom one shall be selected to fill such vacancy by competitive examination, according to regulations to be from time to time framed by Her Majesty's Civil Service Commissioners, and approved by the said Lords Commissioners of Her Majesty's Treasury.

Power to appoint additional clerks if required.

15. If it shall hereafter appear to the Lord Chancellor of Ireland that the business of the said office cannot be discharged with due despatch without the assistance of an additional clerk or clerks, then and in such case it shall be lawful for the said Lord Chancellor, by and with the consent of the Lords Commissioners of Her Majesty's Treasury, on sufficient cause being shown, to direct that one or more additional clerk or clerks shall be appointed: Provided always, that such appointment or appointments shall be made by competitive examination as aforesaid.

Power to reduce the staff of the office if it be excessive;

and to transfer clerks not required to other departments.

16. If it shall hereafter appear to the said Lord Chancellor that the number of clerks in the said office is greater than is required for the due despatch of business, it shall be lawful for him, by and with the consent of the Lords Commissioners of Her Majesty's Treasury, to order that the number of such clerks shall be reduced, and that, if opportunity shall offer, such clerk or clerks as he shall consider not required in the said office shall be transferred to such

other department of the public service as the said Lord Chancellor shall, with the consent of the said Lords Commissioners, by such order direct.

Salaries as fixed by the Treasury to be paid to clerks.

17. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if they shall so think fit, upon the recommendation of the said Lord Chancellor, from time to time to increase or decrease, by such amounts as they may consider proper, the salaries now paid to the said clerks respectively, or to any or either of them.

Clerks appointed under this Act to be subject to provisions of discipline contained in sect. 30. of 7 & 8 Vict. c. 90., and to be liable to be transferred to register office under sect. 63. of 13 & 14 Vict. c. 72.

18. Every clerk appointed under this Act shall be deemed and construed to be an assistant clerk within the meaning of the thirtieth section of the said Act of the eighth year of Her present Majesty, and to be a clerk within the meaning of the sixty-third section of an Act passed in the session of Parliament holden in the thirteenth and fourteenth years of Her present Majesty, intituled "An Act to amend the laws for the registration of assurances of "lands in Ireland," and the provisions of the said sections shall be applicable to every of them.

Registrar may appoint searching clerks.

19. It shall and may be lawful for the said registrar, for the purpose of making searches under this Act, to continue to employ the present searching clerks, who shall be removable as heretofore, and if a vacancy shall occur in the office of either of them it shall and may be lawful for the said registrar, with the consent of the Lords Commissioners of Her Majesty's Treasury, from time to time to appoint a competent clerk to fill such vacancy, to be removable at his pleasure; and it shall and may be lawful for the said Lords Commissioners of Her Majesty's Treasury to authorise such annual salaries as they shall think proper to be paid to such searching clerks, and from time to time to increase or decrease such salaries by such amounts as they shall think fit.

Such salaries as the Lords Commissioners of Her Majesty's Treasury shall think proper shall be paid to searching clerks.

11 & 12 Vict. c. 120.

20. And whereas by the said Act of the twelfth year of Her present Majesty provision has been made for the registry in the said office of the satisfaction of judgments, Crown bonds, and recognizances, decrees, rules, and orders upon the lodgment with the said registrar of a certificate in the said Act mentioned of the entry of satisfaction upon the roll of such judgment, or of the cancelling or vacate of such Crown bond or recognizance, or upon the certificate therein mentioned that such decree, rule, or order has been fully performed, complied with, or satisfied: And whereas by the Public Records (Ireland) Act, 1867, provision has been made for the removal to the Public Record Office of the records therein mentioned: Be it enacted, that in every case in

When the rolls of judgments

A.D. 1871.

or recognizances have been removed to the Public Record Office, the Registrar of Judgments shall enter memorandums of satisfactions and vacates on production of copies of such judgments or recognizances, marked with satisfactions or vacates upon the face of them, without further certificates of satisfaction or vacate.

which the roll, book, or other record, upon or in which any judgment, decree, rule, order, recognizance, or Crown bond has been entered or recorded, has or shall have been removed to the said Public Record Office, and that an entry of satisfaction has or shall have been made upon such judgment or of vacate or cancellation upon such Crown bond or recognizance, or a certificate that such decree, rule, or order has been fully performed, complied with, or satisfied, has or shall have been recorded, then and in every such case a certified copy, duly authenticated according to the provisions of the Public Record (Ireland) Act, 1867, of such judgment, decree, rule, order, recognizance, or Crown bond, or of the material portions thereof respectively, and of the entry thereon of satisfaction, vacate, or cancellation, or of the certificate of performance, compliance, or satisfaction, shall have the same force and effect, and shall be received and acted upon by the said registrar in the same manner in all respects as a certificate of such satisfaction, performance, compliance, vacate, or cancellation under the provisions of the said Act of the twelfth year of Her Majesty.

Registrar to enter memorandums of vacates of lis pendens, upon production of certificates of order of court to vacate them.

21. And whereas no sufficient provision has been made for the registry in the said office of vacates of lis pendens: Be it therefore enacted, that the said registrar shall, upon the lodgment with him of a certificate that any lis pendens which may have been registered in the said office has been duly vacated by an order of the Court in which lis pendens may be, signed by the proper officer in that behalf, and which certificate such officer is hereby authorised and required to give, cause a memorandum of such vacate to be subscribed to the entry of the registry of such lis pendens specifying the date of such order, and shall sign such memorandum, and upon every search made in the said office subsequently to the entry of such memorandum as aforesaid whereupon such lis pendens shall appear the entry of such memorandum shall be stated.

11 & 12 Vict. c. 120.

22. And whereas it was enacted by the said Act of the twelfth year of Her Majesty that no judgment, Crown bond, or recognizance, rule, decree, order, or lis pendens should be registered by the said registrar unless and until there should be subscribed to the memorandum or minute therein mentioned a certificate of the existence of the judgment, Crown bond, or recognizance, rule, decree, order, or lis pendens, signed by the officer in the said Act mentioned: Be it enacted, that in every case in which the roll, book, or record upon or in which such judgment, Crown bond, recognizance, rule, decree, or order has been entered has or shall

Attested copy of judgment when the roll shall have been removed

have been removed to the said Public Record Office, a certified copy, duly authenticated according to the provisions of the said Public Records (Ireland) Act, 1867, of such judgment, Crown bond, recognizance, rule, decree, or order, or of the material portions thereof respectively, (provided always, that such copy shall not contain any entry of satisfaction of such judgment, performance of or compliance with such decree, rule, or order, or vacate or cancellation of such recognizance or Crown bond,) shall have the same force and effect, and shall be received and acted upon by the said registrar in the same manner in all respects as a certificate of the existence of such judgment, Crown bond, recognizance, rule, decree, or order under the provisions of the said Act of the twelfth year of Her Majesty.

to the Public Record Office to have the same effect as certificate of existence for the purpose of registry.

Provided that such copy shall not contain any entry that the judgment has been satisfied, &c.

23. During the temporary absence of the said Registrar of Judgments, and during the temporary absence of the Clerk of the Crown and Hanaper from their respective offices, the affixing or signing the name of the said Registrar of Judgments by the chief clerk in his office, and of the name of the said Clerk of the Crown and Hanaper by the chief clerk in his office, to all memorandums, entries, certificates, proceedings, and documents, upon their being respectively duly authorised in that behalf by the said Registrar of Judgments and Clerk of the Crown and Hanaper so to do, but not otherwise, shall be as good, valid, and effectual as if the same respectively were affixed or signed by the said Registrar of Judgments and Clerk of the Crown and Hanaper: Provided always, that the said Registrar of Judgments and Clerk of the Crown and Hanaper shall respectively be as liable to all actions or other proceedings by any persons damnified by such affixing or signing of their respective names by their respective chief clerks as they would be if the same had been affixed or signed by themselves respectively.

During the temporary absence of Registrar of Judgments and Clerk of Crown and Hanaper, their chief clerks may sign documents.

Proviso that the registrar and Clerk of Crown and Hanaper shall be responsible for such signatures.

24. In case of illness or other necessary cause of absence it shall be lawful for the first and second assistant in the Record and Writ Office from time to time as occasion may require to appoint a deputy, such deputy, and also the occasion for such appointment, to be first approved by the Lord Chancellor, upon a petition to be verified by affidavit, for such time and under such regulations as the Lord Chancellor shall direct, and no such appointment of a deputy shall continue for any longer time than shall be allowed and specified in and by the said order which shall be made on such petition, and that such deputy shall be paid out of the salary or fees of such officer such sum as shall be directed by the said order.

Appointment of deputies in case of absence of first and second assistants in Record and Writ Office.

SCHEDULES.

SCHEDULE A.

PART OF ACTS TO BE REPEALED, SO FAR AS IN THE FOREGOING ACT DECLARED.

Date of Act.	Title of Act.	Extent of Repeal.
7 & 8 Vict. c. 90	An Act for the protection of purchasers against judgments, Crown debts, lis pendens, and commissions of bankruptcy, and for providing one office for the registering of all judgments in Ireland, and for amending the laws in Ireland respecting bankrupts, and the limitations of actions.	Sections 16, 17 (except the proviso), 18, 19, 20, 22, so far as relates to the appointment and duty of Assistant Clerks, 23, 24, 28.
11 & 12 Vict. c. 120	An Act to facilitate the transfer of landed property in Ireland.	Sections 1 and 4 so far as relates to the Registrar of Judgments only; those portions of sections 10, 11, and 12 which enact that the Registrar of Judgments shall endorse upon a duplicate of any memorandum a minute or certificate of the lodgment and entry thereof.

SCHEDULE B.

Forms of Requisition.

No. 1.—To the Registrar of Judgments.

Negative search for judgments or revivals entered up in any of Her Majesty's Superior Courts at Dublin, or obtained in any inferior Court of Record before the 15th day of July 1850, for decrees, rules, orders, or civil bill decrees for poor rates, made before the 15th day of July 1850, and for lis

pendens registered or re-registered against , from the day of to the day of ; and for recognizances and Crown bonds, judgments at the suit of the Crown, statutes, inquisitions, and acceptances of office registered or re-docketed against the said , from the day of to the day of .

Dated this day of .

Signed, .

No. 2.—To the Registrar of Judgments.

Negative search for judgments, revivals, decrees, rules, orders, lis pendens, and civil bill decrees for poor rate registered or re-registered against , from the day of to the day of ; and for recognizances and Crown bonds, judgments at the suit of the Crown, statutes, inquisitions, and acceptances of office registered or re-docketed against the said , from the day of to the day of .

Dated this day of .

Signed, .

No. 4.—To the Registrar of Judgments.

I require a duplicate of the search against , set forth in the requisition left with you, by , on the day of .

Dated this day of .

Signed, .

No. 5.

On search made in the Registry of Judgments Office, in pursuance of the foregoing requisition, I do not find any [but the above mentioned (*these words to be omitted when none appear*)] such judgments, revivals, decrees, rules or orders, judgments at the suit of the Crown, statutes, recognizances, or Crown bonds, lis pendens, inquisitions, or acceptances of office registered or re-registered, or re-docketed, within the respective periods aforesaid against the said .

Dated this day of .

[Name of Registrar.]

Witnesses present when the search was made,

SCHEDULE C.

DUTIES OF STAMPS which are to be paid and payable in Ireland for and in respect of the several instruments, matters, and things herein mentioned, used, filed, registered, recorded, or issued in the Office of Registrar of Judgments.

	£	s.	d.
On every requisition for a search for judgments or revivals entered up in any of Her Majesty's courts at Dublin, or obtained in any inferior court of record before the 15th day of July 1850, and for decrees, rules, orders, or civil bill decrees for poor rates, made before the 15th day of July 1850, and for lis pendens registered against any person, and for recognizances and Crown bonds, judgments at the suit of the Crown, statutes, inquisitions, and acceptances of office registered or re-docketed against the same person - - - - - - - -	0	16	6
On every requisition for a search for judgments, revivals, decrees, rules and orders, lis pendens and civil bill decrees for poor rate, registered or re-registered against any person, and for recognizances and Crown bonds, judgments at the suit of the Crown, statutes, inquisitions, and acceptances of office registered and re-registered or re-docketed against the same person - -	1	0	0
On every requisition for a duplicate of a search, according to the provisions of the 8th section of the Act to which this schedule is annexed - - - - - - -	0	5	0
On every memorandum of vacate of a lis pendens to be subscribed or annexed to the original entry of registry in the office of Registrar of Judgments pursuant to this Act - - -	0	2	6

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