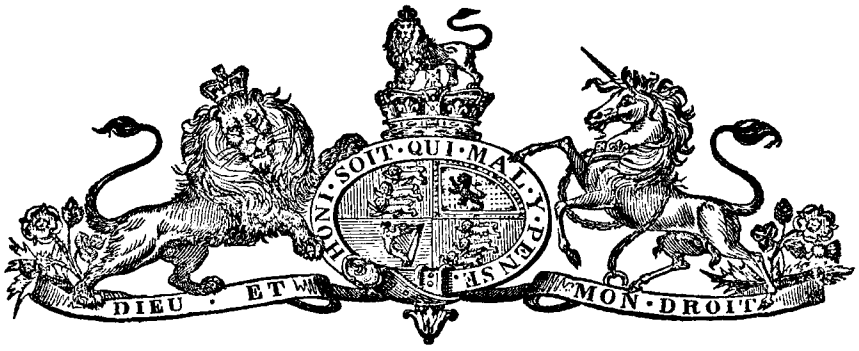


ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. CXX.

An Act to facilitate the Transfer of Landed Property in *Ireland*. [4th *September* 1848.]

WHEREAS it is expedient to afford further Facilities for the Transfer of Landed Property in *Ireland*, by diminishing the Expense of Registry Searches, and otherwise as hereinafter mentioned: 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, That from and after the passing of this Act the Registrar of Deeds and the Registrar of Judgments in *Ireland* for the Time being shall and they are hereby required, previous to giving out of said Office any Negative Search, to cause a Copy of such Negative Search to be entered on Parchment in Books to be provided for the Purpose, and to be kept in their Offices respectively among the Records thereof.

Registrar of Deeds, &c., previous to giving out any Negative Search, to cause a Copy to be recorded in Registry Office.

II. And be it enacted, That every Book wherein any such Copy of a Negative Search and Certificate as aforesaid shall be entered shall be numbered or otherwise distinguished in some appropriate and convenient Manner, and the Pages of each such Book shall be numbered consecutively, and the Number or other distinctive Mark of every such Book, and the Number or Numbers of the Page or Pages thereof, wherein any such Negative Search and Certificate shall be copied, shall be specified at Foot of the Certificate, signed by the Registrar

Books containing Copies of Negative Searches to be numbered, and Number and Page of Book to be endorsed on

original Search.

Registrar or Assistant Registrar in manner following; (that is to say,) "Copied in Book, No. Page Number ."

Indexes to be provided for the Books containing Copies of Negative Searches.

III. And be it enacted, That the said Registrars for the Time being shall and they are hereby required respectively to cause a sufficient Index or sufficient Indexes to be prepared, in such Form as the Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall from Time to Time direct, to the Books containing the Copies of Searches made pursuant to this Act; and in such Indexes shall be entered, in some convenient Manner for Reference, the Name or Names of some One or more of the Persons whose Acts such Negative Search shall relate to; and that the said Registrar of Deeds shall also cause to be prepared another sufficient Index or other sufficient Indexes to the said Books, containing the said Copies of the said Negative Searches, in such Form as the said Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, shall from Time to Time direct, wherein shall be entered, in some convenient Form for Reference, the Name or Names of some One or more of the Denominations of Land mentioned in the Requisition for such Negative Search; and all Persons shall be at liberty to search the said Books on Payment of the Fee mentioned in the Schedule hereunto annexed.

Power to search Books on Payment of Fee.

Attested Copies of recorded Searches to be given by Registrar, &c. upon Payment of Fee.

IV. And be it enacted, That every Person requiring the same shall be entitled to an attested Copy of any Search so recorded as aforesaid, or any Portion thereof, upon Payment of the Fees mentioned in the Schedule hereunto annexed; and the Registrar or Assistant Registrar of Deeds and Registrar of Judgments in *Ireland* for the Time being, upon being furnished with a specific Requisition, shall cause to be delivered to the Person making such Requisition an attested Copy of every such recorded Negative Search, or the Portion thereof in such Requisition mentioned; and all the Penalties and Liabilities to which such Registrars and Assistant Registrars are liable in respect of Fraud, Collusion, or Neglect in making the original Searches and Certificates shall extend to the attested Copies to be given under this Act.

Such Copy to be equivalent to a new Search to the same Extent.

V. And be it enacted, That every such attested Copy of every such recorded Negative Search and Certificate, so signed 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 Negative Search or Certificate to the same Extent and in the same Terms.

Fees to be accounted for as under Act for regulating Registry Office.

VI. And be it enacted, That the Fees payable to the said Registrar of Deeds and Registrar of Judgments under this Act shall be deemed and taken to be Part of the Fees payable to them under the Acts for the Regulation of their respective Offices, and shall be applied and accounted for according to the Provisions of said Acts.

Power to Treasury to alter the Forms of Indexes of

VII. And whereas by the said Act of the Second and Third Years of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Office for registering Deeds, Conveyances, and Wills in* Ireland, it was provided that alphabetical Indexes of the Names of

the Persons and of the Lands affected by the Memorials registered in said Office should be made and kept in the Manner and according to the Form particularly specified in said Act: And whereas the making of Searches in said Office may be facilitated by Alterations in the Form of such Indexes: Be it therefore enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them for the Time being, by an Order under their Hands, from Time to Time to make any Alterations in the Forms of the Indexes of Names and Lands directed by said recited Act to be made, and to order that a sufficient Index or Indexes shall be prepared to the several Books in the Office of the said Registrar of Judgments; and from the Time of making any such Order, or from any Time to be specified therein, the said Indexes shall be made and kept in such Manner and Form as the said Commissioners of Her Majesty's Treasury, or any Three of them, shall in such Order specify and direct; and it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, in like Manner to vary or rescind any such Order as aforesaid.

Names and Lands directed by 2 & 3 W. 4. c. 87.

VIII. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, from Time to Time to order and direct that any Expense which may appear to them to be requisite for or to be necessarily and properly incurred in carrying the Purposes of this Act into effect shall be defrayed out of the Balances on the Accounts of the said Registrars in respect of the said Register Offices, or in such other Manner as the said Commissioners shall think fit to direct.

Power to Treasury to direct Expenses consequent upon this Act to be defrayed out of Balances in Registrar's Hands.

IX. And be it enacted, That for and in respect of the Entries, Endorsements, Certificates, and other Matters or Acts hereby directed or required to be performed, the Officers discharging said Duties shall respectively be entitled to demand and receive the several Fees specified in the Schedule to this Act annexed, which Schedule, and all Directions therein contained, shall be deemed and taken to be Part of this Act; and that it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, by Order under their Hands, from Time to Time to alter and vary the Fees specified in the said Schedule, and to substitute other Fees therefor.

Power to demand Fees as specified in the Schedule to this Act.

X. And whereas by an Act made and passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign 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*, Provision was made for the Registry in the Office created by said Act, and called the "Judgment Office," of all Judgments of the Superior Courts of Common Law, and of Crown Bonds and Recognizances, and of all Decrees, Rules, and Orders which, under the Provisions of the Act made and passed in the Third and Fourth Years of the Reign of Her Majesty, intituled *An Act for abolishing Arrests on Mesne Process in Civil Actions, except in certain Cases, and for extending the Remedies*

Registrar of Judgments, upon Production of Certificate of Satisfaction of Judgment, to enter Memorandum thereof upon Entry of Registry. 7 & 8 Vict. c. 90. 3 & 4 Vict. c. 105.

dies of Creditors against the Property of Debtors, and for the further Amendment of the Law and better Advancement of Justice in Ireland, had the Force and Effect of Judgments of the Superior Courts of Common Law, in order to make same binding as against Purchasers, Mortgagees, and Creditors, but no sufficient Provision was made by said recited Act for the Registry in said Office of the Satisfaction of Judgments, Crown Bonds or Recognizances, Decrees, Rules, or Orders registered therein: Be it therefore enacted, That the Registrar of Judgments for the Time being shall, upon the Lodgment with him of a Certificate of the Entry of Satisfaction upon the Roll of any Judgment of any of the Superior Courts of Common Law which may have been registered under said recited Act, or which may appear upon the Books of Revivals and Redocketings which under the Provisions of said recited Act were transferred to said Registrar, signed by the proper Officer of such Superior Court of Common Law, or upon the Lodgment with him of the Certificate of the cancelling or vacate of any Bond or Recognizance to the Crown, signed by the proper Officer in that Behalf, and which Certificate such Officers are hereby authorized and required respectively to give, cause a Memorandum of such Satisfaction, cancelling, or vacate to be subscribed to the Entry of the Registry of such Judgment, or of the Revival or Redocketing thereof, or of such Crown Bond or Recognizance, specifying the Date at which such Satisfaction, cancelling, or vacate appears by such Certificate to have been entered on Record, and shall sign such Memorandum, and shall, if required, endorse upon a Duplicate of such Certificate a Minute, stating that such Memorandum has been entered as aforesaid; and upon every Search made in the said Judgment Office subsequently to the Entry of such Memorandum as aforesaid, whereon such Judgment, Crown Bond or Recognizance shall appear, the Entry of such Memorandum shall be stated.

Court, &c. by whom Decree has been pronounced shall direct Officer to give Certificate thereof, and record same. In case Decree has been registered under 3 & 4 Vict. c. 105., or under 7 & 8 Vict. c. 90., a Memorandum to be annexed to the Entry of Registry.

XI. And be it enacted, That from and after the passing of this Act every Court, Judge, Commissioner, or other Person by whom any Decree, Rule, or Order has been or shall be pronounced or made, which, under the said Act of the Third and Fourth Years of the Reign of Her Majesty, has the Force and Effect of a Judgment, upon its being made to appear to them or him that such Decree, Rule, or Order has been fully performed, complied with, or satisfied, shall direct the proper Officer to give a Certificate thereof, and record the same in his Office; and in case said Decree, Rule, or Order shall have been or shall be registered under the Provisions of the said Act of the Third and Fourth Years of the Reign of Her Majesty, or under the Provisions of the said recited Act of the Seventh and Eighth Years of the Reign of Her Majesty, the Registrar of Judgments shall, upon the Lodgment with him of such Certificate, cause a Memorandum thereof to be annexed or subscribed to the Entry of the Registry of such Decree, Rule, or Order, specifying therein the Date of such Certificate, and shall sign such Memorandum, and shall, if required, cause a Minute of the Entry of such Memorandum to be endorsed upon a Duplicate of such Certificate; and in every Search made in said Judgment Office after the Entry of such Memorandum, whereon such Decree, Rule, or Order shall appear,

appear, the Entry of such Memorandum of Satisfaction shall also be stated.

No Judgment, &c. to be registered until Certificate of the Existence of such Judgment, &c. has been lodged with Registrar.

XII. And be it enacted, That from and after the passing of this Act no Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens, shall be registered by the said Registrar of Judgments, pursuant to the Provisions of the said Act of the Seventh and Eighth Years of the present Reign, unless and until there shall be subscribed to the Memorandum or Minute by said Act required to be left with said Registrar a Certificate of the Existence of the Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens, described in said Memorandum or Minute, such Certificate to be signed by the proper Officer of the Court in which such Judgment, Crown Bond or Recognizance, Rule, Decree, Order, or Lis Pendens shall have been entered or obtained; and that the said Registrar of Judgments, upon the Lodgment with him of any such Memorandum or Minute, shall, if required, endorse upon a Duplicate thereof a Certificate of the Lodgment and Entry thereof, for which Certificate no Fee shall be paid to him beyond the Fee authorized by the said Act for such Entry.

Crown Bonds and Recognizances more than Twenty Years old not to affect Purchasers or Mortgagees, unless re-docketed in the Office of Registrar of Judgments.

XIII. And whereas by the said Act of the Seventh and Eighth Years of the present Reign Provision is made whereby no Bonds or Recognizances to the Crown to be thereafter entered into or passed shall affect Lands, Tenements, or Hereditaments as to Purchasers or Mortgagees or Creditors until duly registered according to the Directions of the said Act, but no similar Provision is made with respect to Obligations to the Crown previously existing: And whereas Bonds and Recognizances to the Crown passed or entered into at remote Periods, and filed as of Record in Her Majesty's Courts in *Ireland*, remain in full Force, and operate as Incumbrances on Land, notwithstanding that the Conditions upon which they were passed or entered into may have been long since satisfied and performed, and no Claim may exist on Foot thereof on the Part of the Crown, and it is expedient to extend the Principle of the aforesaid Provision to such Cases, and thereby further facilitate the Transfer of Landed Property: Be it therefore enacted, That from and after the First Day of *January* next no Bond or Recognizance to the Crown so filed as of Record in *Ireland* which shall be more than Twenty Years old from the Date thereof shall affect any Lands, Tenements, or Hereditaments as to Purchasers or 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, the Sum for which such Bonds or Recognizance was passed or entered into, and the Date of the same, shall be left with the Registrar of Judgments, who shall forthwith enter the same Particulars in a Book to be entitled "Re-docketed Crown Bonds and Recognizances," to be kept in alphabetical Order by the Name of the Person whose Estate is intended to be affected by such Bonds or Recognizances; and for every such Entry the said Registrar shall be entitled to the same Fee as is authorized by the said Act for each Entry in the Book intituled "The Index of Debtors and Account-

ants to the Crown;" and all Persons shall be at liberty to search the said Book, as well as the Books directed by the said Act to be kept by the said Registrar, on Payment of the Fee by the said Act authorized.

Power to Treasury to consolidate Offices.

XIV. And whereas by the Operation of this Act the Duties of certain Offices may be diminished, and it will therefore be expedient, having regard to Economy, to discontinue them as separate Offices, and to provide for the Discharge of such Duties as may remain to be performed: Be it therefore enacted, That in such Cases the Commissioners of Her Majesty's Treasury, or any Three of them for the Time being, shall have Power, if they shall think fit, by their Warrant, after the passing of this Act, to order that a Consolidation of any Office so affected shall take place with some existing Office of the Court to which it belongs; and any Order made as aforesaid for the Regulation of the Business of such Office shall be of as much Force as if it had been specifically enacted herein, and the Officer to whom the Duties as aforesaid shall be so transferred shall have as full Power and Jurisdiction for all official Purposes as were enjoyed or belonged to the Officer whose Duties shall be so transferred.

Act may be amended, &c.

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

SCHE-

SCHEDULE of FEES to which the foregoing Act refers.

	s.	*d.*
For every attested Copy of a Search recorded pursuant to this Act in the Office of Registrar of Deeds on the Certificate or Attestation thereof, when such Copy shall not exceed Three Folios of 72 Words - - - -	1	0
When such Copy shall exceed Three Folios, for every Folio - - - - - - -	0	4
For every attested Copy of a Search recorded pursuant to this Act in the Office of Registrar of Judgments on the Certificate or Attestation thereof, when such Copy shall not exceed Three Folios of 72 Words - - - -	1	0
When such Copy shall exceed Three Folios, for every Folio - - - - - - -	0	4
For every other Certificate directed or required by this Act, including a Duplicate thereof - - - - -	1	0
For every Memorandum of Satisfaction of a Judgment, Crown Bond or Recognizance, Decree, Rule, or Order, to be subscribed or annexed to the original Entry of Registry in the Office of Registrar of Judgments, pursuant to this Act, including the Endorsement thereof directed by this Act - - - - - -	2	6
For Liberty to search the Book or Books in the Office of Registrar of Deeds containing the recorded Copies of Negative Searches - - - - - -	1	0
For Liberty to search the Book or Books in the Office of Registrar of Judgments containing the recorded Copies of Negative Searches - - - - - -	1	0

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