

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XLVII.

An Act to amend the Companies Act, 1862, and also the Act passed in the Session held in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, intituled *An Act to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments.*

[15th *July* 1867.]

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, as follows :

Sect. 114. of 25 & 26 Vict. c. 89. repealed.

1. The One hundred and fourteenth Section of the Companies Act, 1862, shall be, and the same from and after the passing of this Act is, hereby repealed.

Court may order the vacating of Registration of Lis pendens, &c.

2. Whereas a registered Lis pendens cannot be vacated without the Consent of the Person by whom it was registered, and such Consent is sometimes withheld, although the Suit or Proceeding is at an end, or is not being *bonâ fide* prosecuted: For Remedy whereof

Lis pendens.

whereof be it enacted, That the Court before whom the Property sought to be bound is in Litigation may, upon the Determination of the Lis pendens, or during the Pendency thereof, where the Court shall be satisfied that the Litigation is not prosecuted *bonâ fide*, make an Order, if it shall see fit, for the vacating of the Registration without the Consent of the Party who registered it, and may, in the Discretion of the Court, direct the Party on whose Behalf the Registration was made to pay all the Costs and Expenses occasioned by the Registration or the vacating thereof. The Application to the Court pending the Litigation may be in a summary Way by Petition or Motion in Court, or by Summons at Chambers; and if an Order shall be made for vacating any such Registration, the Senior Master of the Common Pleas at *Westminster* shall, upon the filing with him of an Office Copy of such Order, enter a Discharge of such Lis pendens on the Register, and shall be entitled for every such Entry of Discharge to the Sum of Two Shillings and Sixpence, and no more, and may issue Certificates of such Entry, and may charge for every such Certificate the Sum of One Shilling, which said Sums shall be collected by Stamps in the Manner and according to the Provisions of an Act passed in the Session of Parliament holden in the Twenty-eighth and Twenty-ninth Years of Her Majesty, intituled *An Act to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at* Westminster, *and in the Offices belonging thereto*, and as if this Act had been included in the First Schedule of the said Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty, 1867.