the Treasurer of such Borough, who shall thenceforth hold his Office during the Pleasure of the Council for the Time being; and on the happening of any Vacancy thereafter, by Death, Resignation, Amotion, or otherwise, the Council shall proceed to the Appointment of a Successor, either at any of the General Quarterly Meetings of the Council, or at a Special Meeting to be convened for that Purpose, so that in no Case such Appointment be delayed beyond Twenty-one Days from the happening of the Vacancy.

Provision for the Appointment of a Deputy Recorder in certain Cases.

VII. 'And whereas Inconvenience has arisen and may hereafter arise by reason that in the said first-recited Act no 'Provision is made for the holding of the Borough Sessions 'at the Time appointed, by public Notice for that Purpose, in 'case of the sudden Illness or unexpected and unavoidable 'Absence of the Recorder, on or immediately before the Day 'on which the Sessions for any Borough shall have been appointed to be held, or during the holding of such Sessions; 'and it is desirable to provide against such Inconvenience;' be it therefore enacted, That so much of the said first-recited Act as provides, "that in case of Sickness or unavoidable Absence the Recorder of any Borough shall be empowered, under his Hand and Seal, with the Consent of the Council of the said Borough, to appoint a Deputy Recorder, being a Barrister of Five Years standing, to act for him at the Quarter Sessions then next ensuing, and no longer or otherwise," be and the same is hereby repealed.

In case of Sickness or Absence the Recorder may appoint a Deputy Recorder.

VIII. And be it enacted, That in case of Sickness or unavoidable Absence the Recorder of any Borough shall be and he is hereby empowered, under his Hand and Seal, to appoint a Deputy Recorder, being a Barrister of Five Years standing, to act for him at the Quarter Sessions then next ensuing or then being held, and not longer or otherwise: Provided nevertheless, that such Sessions shall not be deemed to have been illegally held, nor the Acts of any Deputy Recorder invalidated, by reason of the Cause of the Absence of the Recorder not being deemed to be unavoidable within the Meaning of this Act.

## CAP. XC.

### An Act for removing Doubts as to the Service of Clerks or Apprentices to Public Notaries, and for amending the Laws regulating the Admission of Public Notaries. [24th *August* 1843.]

'WHEREAS by an Act passed in the Forty-first Year of 'the Reign of His late Majesty King *George* the Third, 'intituled *An Act for the better Regulation of Public Notaries* 41 G. 3. c. 79. '*in* England, it was amongst other things enacted, that from 'and after the First Day of *August* One thousand eight hundred 'and one no Person should be sworn, admitted, and enrolled 'as a Public Notary in *England* unless such Person should

'have been bound, by Contract in Writing or by Indenture 'of Apprenticeship, to serve as a Clerk or Apprentice for and 'during the Space of not less than Seven Years to a Public 'Notary or Person using the Art and Mystery of a Scrivener '(according to the Privilege and Custom of the City of *London*, 'such Scrivener being also a Public Notary), duly sworn, 'admitted, and enrolled: And whereas Doubts have arisen 'whether a Public Notary, being also an Attorney, Solicitor, or 'Proctor, can have and retain any Person to serve him as a 'Clerk or Apprentice in his Profession or Business of a Public 'Notary, and also at the same Time in that of an Attorney, 'Solicitor, or Proctor, and whether such Service is in con-'formity with the Provisions of the said recited Act: And 'whereas it is expedient to remove all such Doubts with regard 'to Persons who have served or are now serving or may here-'after serve as a Clerk or Apprentice in manner aforesaid;' 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 every Person who has been duly admitted, sworn, and enrolled a Public Notary in *England* may take, have, and retain any Clerk or Apprentice to serve him under the Provisions of the said recited Act or of this Act in the proper Business of a Public Notary, or if such Person is also an Attorney or Solicitor in any of the Courts of Law or Equity, or a Proctor in any Ecclesiastical Court in *England* or *Wales*, to serve him at the same Time in the general Business of a Notary as well as that of an Attorney, Solicitor, or Proctor; and that no Person who shall have regularly and duly served any such Public Notary, being also an Attorney, Solicitor, or Proctor, for the Time required by the said recited Act or this Act, and be otherwise entitled to be admitted a Public Notary, shall be prevented or disqualified from being so admitted a Public Notary by reason of his having also served a Clerkship to such Public Notary or his Partner as an Attorney, Solicitor, or Proctor during the same Time or any Part thereof.

Public Notaries may retain Clerks or Apprentices in their Business as such, or as Attorneys and Notaries if so practising, and Persons serving them not disqualified.

II. Provided always, and be it enacted, That no Public Notary may have and retain any such Clerk or Apprentice to serve him, under the Provisions of the said Act or of this Act, if he has been admitted, sworn, and enrolled a Public Notary for the Purpose only of carrying on any Business, or holding or exercising any Office or Appointment, and not as a general Practitioner; nor shall any Public Notary be allowed to have and retain such Clerk or Apprentice after he shall have discontinued or left off or during such Time as he shall not actually practise and carry on the Profession or Business of a Public Notary.

No Public Notary to retain a Clerk or Apprentice, unless in actual Practice.

III. 'And whereas it is expedient to shorten the Period of 'the Service required by the said recited Act;' be it therefore enacted, That from and after the passing of this Act, in case any Person shall have been or shall be bound by any Contract to

Persons serving Five Years to a Notary to be entitled to Admission as Notaries.

to serve and shall have actually served as a Clerk or Apprentice for the Term of Five Years any Public Notary as aforesaid, and shall have caused an Affidavit to be made and filed as to the due Execution of such Contract, and shall have complied with the other Provisions of the said recited Act, save as to the Length of Service, then and in such Case every such Person shall be qualified and entitled to be sworn, admitted, and enrolled a Public Notary to practise in *England*, as fully and effectually as any Person having been bound and having served Seven Years as required by the said recited Act would be qualified and entitled to be sworn, admitted, and enrolled a Public Notary under and by virtue of the said recited Act: Provided always, that no Person shall be entitled to be admitted and enrolled a Public Notary at the Expiration of the Term of Five Years, if bound for a longer Time, without the Consent in Writing of the Public Notary, if living, to whom he shall have been so bound, being first obtained and produced at the Time of his Admission, and filed with the other Papers relating thereto; and provided also, that in case the Affidavit required by the said recited Act as to the Execution of any Contract be not filed within the Time required by the said Act, the same may be filed by the proper Officer after the Expiration thereof, but the Service of such Clerk shall be reckoned to commence and be computed from the Day of filing such Affidavit, unless the Master of the Faculties shall otherwise order; and such Service shall be as effectual, and the Public Notary and Clerk shall be equally bound for and during the Term, reckoning as aforesaid, as if such Term had been originally intended and mentioned in the Contract.

Proviso as to Consent of Notary if bound for a longer Time.

If Affidavit as to Execution of Contract be not filed within Time required, the Service to reckon from the Day of filing, unless otherwise ordered.

IV. And be it enacted, That the Master of the Faculties for the Time being may make any general Rule or Rules requiring Testimonials, Certificates, or Proofs as to the Character, Integrity, Ability, and Competency of any Person who shall hereafter apply for Admission or Re-admission as a Public Notary to practise either in *England* or in any of Her Majesty's Foreign Territories, Colonies, Settlements, Dominions, Forts, Factories, or Possessions, whether such Person shall have served a Clerkship or not, and from Time to Time alter and vary such Rules as to the Master of the Faculties shall seem meet, and may admit or reject any Person so applying, at his Discretion, any Law, Custom, Usage, or Prescription to the contrary notwithstanding.

Master of the Faculties may require Testimonials of Ability, &c.

V. Provided always, and be it enacted, That if the Master of the Faculties shall refuse to grant any Faculty to practise as a Public Notary to any Person without just and reasonable Cause, then the Chancellor of *England* or the Lord Keeper of the Great Seal for the Time being, upon Complaint thereof being made, shall direct the Queen's Writ to the said Master of the Faculties to the Effect and shall proceed thereon according to the Intent and Meaning of the Act of Parliament of the Twenty-fifth Year of the Reign of King *Henry* the Eighth, intituled *An Act concerning Peter-pence and Dispensations*, and in

Appeal.

25 H. 8. c. 21.

Manner and Form as is therein provided and set forth in case of the Refusal of any Licences, Dispensations, Faculties, Instruments, or other Writings, as fully and effectually, and with the same Powers and Authority, as if the same were here inserted and re-enacted.

Saving the Rights of Scriveners Company.

VI. Provided always, and be it enacted, That nothing herein contained nor any Service under this Act shall authorize any Person to be admitted a Public Notary to practise within the Jurisdiction of the incorporated Company of Scriveners of *London*.

Oath on Admission of Notary.

VII. And be it enacted, That from and after the passing of this Act every Person to be admitted and enrolled a Public Notary shall, before a Faculty is granted to him authorizing him to practise as such, in addition to the Oaths of Allegiance and Supremacy, make Oath before the said Master of the Faculties, his Surrogate or other proper Officer, in Substance and to the Effect following:

'I *A.B.* do swear, That I will faithfully exercise the Office of a Public Notary; I will faithfully make Contracts or Instruments for or between any Party or Parties requiring the same, and I will not add or diminish any thing without the Knowledge and Consent of such Party or Parties that may alter the Substance of the Fact; I will not make or attest any Act, Contract, or Instrument in which I shall know there is Violence or Fraud; and in all Things I will act uprightly and justly in the Business of a Public Notary, according to the best of my Skill and Ability. So help me GOD.'

And that such Oath shall be received and taken instead of the Oath of Office now in use on the Admission of a Notary Public, which Oath shall from and after the passing of this Act be wholly discontinued: Provided always, that in such Cases where by any Act an Affirmation or Declaration is allowed to be received instead of an Oath, or any Form of Oath or Declaration substituted instead of the Oaths of Allegiance and Supremacy, the said Master of the Faculties, his Surrogate or other proper Officer, is hereby authorized and empowered to receive a Declaration or Affirmation instead of any Oath required by this Act, or such Form of Oath or Declaration instead of the Oaths of Allegiance or Supremacy as by any Act of Parliament is authorized and allowed.

Oaths, &c. may be taken by Commission.

VIII. And be it enacted, That the Master of the Faculties for the Time being, or his Surrogate, shall and he is hereby authorized and empowered to issue Commissions to take any Oaths, Affidavits, Affirmations, or Declarations required by Law to be taken before the Grant of any Faculty, Marriage Licence, or other Instrument issuing from the said Office of Faculties; and that all Oaths, Affidavits, Affirmations, or Declarations taken before the Commissioner so appointed, and the Faculty, Marriage Licence, or other Instrument granted in pursuance thereof, shall be as valid and effectual as if such Oath, Affidavit, Affirmation, or Declaration was taken before the said Master

Master or his Surrogate, any thing in any Act or Law to the contrary thereof notwithstanding.

Application to strike a Notary off the Roll for Defect in Articles, &c. to be made within 12 Months.

IX. And be it enacted, That no Person who has been admitted and enrolled a Public Notary shall be liable to be struck off the Rolls for or on account of any Defect in the Articles of Clerkship, or in the Registry thereof, or in his Service under such Articles, or in his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment; provided that such Articles, Registration, Service, Admission, or Enrolment be without Fraud.

Persons practising as Notaries not being duly authorized to forfeit 50*l*.

X. And be it enacted, That from and after the passing of this Act, in case any Person shall, in his own Name or in the Name of any other Person, make, do, act, exercise, or execute or perform, any Act, Matter, or Thing whatsoever of or in anywise appertaining or belonging to the Office, Function, or Practice of a Public Notary, for or in expectation of any Gain, Fee, or Reward, without being able to prove, if required, that he is duly authorized so to do, every such Person for every such Offence shall forfeit and pay the Sum of Fifty Pounds, to be sued for and recovered by Action of Debt, Plaint, or Information in any of Her Majesty's Superior Courts of Record at *Westminster*, or if the Cause of Action shall have arisen in any Colony or Place to Her Majesty belonging out of *England*, then in the Supreme Court of Law of such Colony or Place, provided the Action for the Recovery thereof shall be commenced within Twelve Months next after the Fact committed; and that, save so far as they are altered or repealed, or repugnant to the Provisions of this Act, the like Remedies for recovering thereof, and all other the Rules, Directions, Powers, and Provisions contained in the said recited Act, and also in the Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act of the Forty-first Year of His Majesty King* George *the Third, for the better Regulation of Public Notaries in* England, shall and may severally and respectively attach and be in force as fully and effectually as if the said Penalties were imposed, or the said Remedies were given, or the same Powers, Rules, Directions, and Provisions were particularly enacted in or by this Act, or repealed and re-enacted.

Like Forfeitures and Provisions as in former Act, and all the Powers thereof, and of 3 & 4 W. 4. c. 70., not hereby varied, to be in force as if re-enacted.

## CAP. XCI.

### An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in *Ireland*.

[24th *August* 1843.]

'WHEREAS it is expedient to consolidate and amend the Laws relating to Loan Societies in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by