ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

C A P. XXXVI.

An Act for the better Regulation of the Public Notaries in *Ireland*. [28th *May* 1821.]

WHEREAS it is expedient to prevent illiterate and inexperienced Persons being admitted or acting as Public Notaries in *Ireland*: Be it therefore enacted by the King'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 First Day of *July* One thousand eight hundred and twenty-one, no Person in *Ireland* shall act as a Public Notary, or use and exercise the Office of a Notary, or do any Notarial Act, unless such Person shall have been duly sworn, admitted, and enrolled, in manner herein-after directed, in the Court wherein Notaries have been accustomarily sworn, admitted, and enrolled.

Public Notaries to be duly admitted.

II. And be it further enacted, That from and after the said First Day of *July*, no Person shall be sworn, admitted, and enrolled as a Public Notary, unless such Person shall 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 duly sworn, admitted, and enrolled, and for and during the said Term of Seven Years shall have continued

No Person shall be admitted unless he shall have served as an Apprentice for Seven Years; and if bound after

July 1, unless Affidavit of certain Particulars be made, which shall be enrolled in the proper Court.

tinued in such Service; and also unless every such Person, who shall from and after the said First Day of *July* be bound by Contract in Writing, or Indenture of Apprenticeship, to serve as a Clerk or Apprentice to any Public Notary, shall within Three Months next after the Date of every such Contract or Indenture of Apprenticeship, cause an Affidavit to be made and duly sworn by One of the subscribing Witnesses, of the actual Execution of every such Contract or Indenture of Apprenticeship by such Public Notary, and by the Person so to be bound to serve as a Clerk or Apprentice as aforesaid; and in every such Affidavit shall be specified the Names of such Public Notary, and of such Person so bound, and their Places of Abode respectively, together with the Day of the Date of such Contract or Indenture of Apprenticeship; and every such Affidavit shall be sworn and filed within the Time aforesaid, in the Court where the Public Notary to whom every such Person respectively shall be bound as aforesaid, shall have been enrolled as a Notary, with the proper Officer or Officers, or his or their respective Deputy or Deputies, who shall make or sign a Memorandum of the Day of filing every such Affidavit on the Back or at the Bottom of such Contract or Indenture.

No Person bound after July 1, shall be admitted to the Court of Faculties before such Affidavit shall be openly read in Court.

III. And be it further enacted, That no Person who shall after the said First Day of *July* become bound as aforesaid, shall be admitted or enrolled a Public Notary in the Court of Faculties for admitting and enrolling Public Notaries, before such Affidavit shall be produced and openly read in such Court, at the Time of such Person's Admission and Enrolment.

But if bound before July 1, for a less Term than Seven Years, another Contract may be entered into for enlarging the Time to Seven Years.

IV. Provided always, and be it further enacted, That if any Person shall have been before the said First Day of *July* bound by Contract in Writing, or Indenture of Apprenticeship, to serve as a Clerk or Apprentice to a Public Notary, duly sworn, admitted, and inrolled, for a Term less than Seven Years, it shall be lawful for the Parties to such Contract, by a further Contract in Writing duly executed by them, to enlarge the Time of such Service, and extend the same to the full Term of Seven Years from the Time of the original Contract; and such Person having actually served during the full Term of Seven Years shall be entitled to be admitted and inrolled a Public Notary, in the same Manner as he would have been entitled if the original Contract had been for the Term of Seven Years; the Facts of such Contracts, and of such Service for the full Term of Seven Years, being proved by Affidavit to the Satisfaction of the said Court of Faculties.

Officers for taking and filing Affidavits.

V. And be it further enacted, That the following Persons shall be deemed and taken to be the proper Officers for taking and filing such Affidavits; (that is to say), the Lord Archbishop of *Armagh*, his Commissary or Commissioners for the Time being.

Officers filing Affidavits to enter the Substance in a Book.

VI. And be it further enacted, That the Officer filing such Affidavits as aforesaid, shall keep a Book wherein shall be entered the Substance of such Affidavit, specifying the Names and Places of Abode of every such Public Notary and Clerk, or Person bound as aforesaid,

aforesaid, and of the Person making such Affidavit, with the Date of the Contract or Indenture of Apprenticeship in such Affidavit to be mentioned, and the Days of swearing and filing every such Affidavit respectively; and such Officer shall be at liberty to take, at the Time of filing every such Affidavit, the Sum of Five Shillings, and no more, as a Recompence for his Trouble in filing such Affidavit; and which Book shall and may be searched in Office Hours by any Person or Persons whomsoever, upon Payment of One Shilling for such Search.

Fee for filing, 5s.

Book may be searched on paying 1s.

VII. And be it further enacted, That from and after the said First Day of *July* no Public Notary shall take, have, or retain any Clerk or Apprentice, who shall become bound as aforesaid, after such Public Notary shall have discontinued or left off, or during such Time as he shall not actually practise or carry on the Business of a Public Notary.

No Public Notary to have any Apprentice but while he shall actually practise.

VIII. And be it further enacted, That every Person who shall, from and after the said First Day of *July*, become bound by Contract in Writing or Indenture of Apprenticeship to serve any Public Notary, as hereby directed, shall, during the whole Time and Term of Service to be specified in such Contract or Indenture of Apprenticeship, or during the Time and Space of Seven Years thereof at least (if bound for a longer Term than Seven Years), continue and be actually employed by such Public Notary in the proper Business, Practice, or Employment of a Public Notary.

Apprentice to be actually employed Seven Years in the Business.

IX. Provided always, and be it further enacted, That if any such Public Notary, to or with whom any such Person shall be bound, shall happen to die before the Expiration of such Term, or shall discontinue or leave off such his Practice as aforesaid; or if such Contract or Indenture of Apprenticeship shall, by mutual Consent of the Parties, be cancelled; or in case such Clerk or Apprentice shall be legally discharged before the Expiration of such Term, and such Clerk or Apprentice shall in any of the said Cases be bound by another Contract or Contracts, Indenture or Indentures in Writing, to serve, and shall accordingly serve, in Manner herein-before mentioned, as Clerk or Apprentice to any such Public Notary as aforesaid, during the Residue of the said Term of Seven Years, then such Service shall be deemed and taken to be as good, effectual, and available, as if such Clerk or Apprentice had continued to serve as a Clerk or Apprentice for the said Term of Seven Years to the same Person to whom he was originally bound, so as an Affidavit be duly made and filed of the Execution of such Second or other Contract or Contracts, within the Time and in like Manner as is herein-before directed concerning such original Contract.

Service of Residue of Seven Years with other Masters effectual.

X. And be it further enacted, That every Person who, from and after the said First Day of *July*, shall become bound as Clerk or Apprentice as aforesaid, shall, before he be admitted and enrolled a Public Notary according to this Act, make before and file with the proper Officer herein-before for that Purpose mentioned, that he hath actually and really served and been employed by such practising Public

Apprentices bound after July 1, before Admission, to file Affidavits that they have really served Seven Years.

Public Notary or Notaries to whom he shall have been bound as aforesaid, during the whole Term of Seven Years, according to the true Intent and Meaning of this Act.

If any Notary shall act as such, or permit his Name to be used for the Profit of any Person not entitled to act as a Notary, he shall be struck off the Roll.

XI. And be it further enacted, That from and after the said First Day of *July*, if any Public Notary shall act as such, or permit or suffer his Name to be in any Manner used, for or on account or for the Profit and Benefit of any Person or Persons not entitled to act as a Public Notary, and Complaint shall be made in a summary Way to the Court of Faculties wherein he hath been admitted and enrolled, and Proof made upon Oath to the Satisfaction of the said Court, that such Notary hath offended therein as aforesaid, then and in such Case, every such Notary so offending shall be struck off the Roll of Faculties, and be for ever after disabled from practising as a Public Notary, or doing any Notarial Act, save and except as to any Allowance or Allowances, Sum or Sums of Money, that are or shall be agreed to be made or paid to the Widows or Children of any deceased Public Notary or Notaries, by any surviving Partner or Partners of such deceased Notary or Notaries.

Penalty on Person acting as Notary without being admitted, 50*l*.

XII. And be it further enacted, That from and after the said First Day of *July*, in case any Person shall in his own Name, or in the Name of any other Person, make, do, act, exercise, or execute and perform any Act, Matter, or Thing whatsoever, in anywise appertaining or belonging to the Office, Function, and Practice of a Public Notary, for or in Expectation of any Gain, Fee, or Reward, without being admitted and enrolled, every such Person for every such Offence shall forfeit and pay the Sum of Fifty Pounds, to be sued for and recovered in manner herein-after mentioned.

Act not to exclude any Person from Admission who hath been bound on or before July 1, for Seven Years, to any Notary, or any Person who has actually served as Clerk or Apprentice Seven Years, though not bound by Contract, &c.

XIII. Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not be taken or construed to exclude any Person from being sworn, admitted, and enrolled a Public Notary, in the accustomable Court aforesaid, who hath on or before the First Day of *July* been bound, by Contract in Writing or Indenture of Apprenticeship, to serve as a Clerk or Apprentice to any Public Notary, for the Term not less than Seven Years, notwithstanding that such Term of Seven Years shall not expire till after the said First Day of *July*; and provided that such Clerk or Apprentice shall actually serve for the Remainder of the Term of Seven Years: Provided always, that an Affidavit shall be previously made and filed, in manner herein-before directed, of such actual Service, of any Term not less than Seven Years, to any such qualified Notary; and every such Person may, after the Expiration of such Term of Seven Years, and Affidavit of such Service having been previously made and filed, as before directed, be sworn, admitted, and enrolled to be a Public Notary, in the same Manner as Persons to be admitted, sworn, and enrolled Public Notaries, are hereby required to be sworn, admitted, and enrolled respectively; any thing in this Act contained to the contrary notwithstanding.

Act not to extend to Proctors in

XIV. Provided nevertheless, and it is hereby enacted, That nothing in this Act contained shall extend or be construed to extend to any

Proctor in any Ecclesiastical Court in *Ireland*, nor to any Secretary or Secretaries to any Bishop or Bishops merely practising as such Secretary or Secretaries, or to any other Person or Persons necessarily created a Notary Public for the Purpose of holding or exercising any Office or Appointment, or occasionally performing any public Duty or Service under Government, or created a Public Notary for practising within a limited District, and not as general Practitioner or Practitioners; any thing herein-before contained to the contrary notwithstanding: Provided always, that nothing herein contained shall exempt or be construed to exempt any Proctor, being also a Public Notary, or any Person created a Public Notary for practising within a limited District only, from the Pains, Penalties, Forfeitures, and Disabilities by this Act imposed upon any Public Notary who shall permit or suffer his Name to be in any manner used for or on account or for the Profit and Benefit of any Person or Persons not entitled to act as a Public Notary. Ecclesiastical Courts, Secretaries to Bishops, &c.

XV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person, who on or before the passing of this Act shall have been duly admitted as a Public Notary, from acting as a Public Notary, or using or exercising the Office of a Notary, or doing any Notarial Acts whatever, as fully as if such Notary had been admitted, sworn, and enrolled pursuant to the Regulations and Provisions of this Act. Nor to Persons who, on or before passing this Act, have been admitted as Notaries.

XVI. And be it further enacted, That all pecuniary Forfeitures and Penalties imposed on any Person or Persons for Offences committed against this Act, shall and may be sued for and recovered in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than one Imparlance shall be allowed, and wherein the Plaintiff, if he or she shall recover any Penalty or Penalties, shall recover the same for his or her own Use, with full Costs of Suit. Recovery and Application of Penalties.

XVII. And be it further enacted, That if any Action or Suit shall be brought or commenced for any thing done in pursuance of this Act, every such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid and tried in the County wherein the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought after the Time limited for bringing the same, or shall be laid in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment Limitation of Actions. General Issue.

shall be given against the Plaintiff or Plaintiffs, the Defendant or
Treble Costs. Defendants shall have Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

Public Act. XVIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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