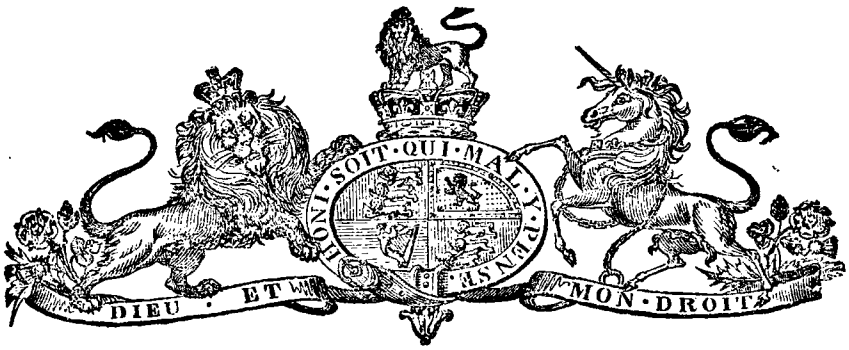


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXX.

An Act to provide for keeping safely the Public Records of *Ireland*. [12th *August* 1867.]

WHEREAS the Public Records in *Ireland* are in the Keeping of several Persons, and many are kept in unfit Buildings, and it is expedient to establish One Record Office and a better Custody, and to allow the free Use of the said Records, as far as may be consistent with their Safety and with the Public Policy of the Realm:

And whereas a large and commodious Building has been erected in the Neighbourhood of the Four Courts in *Dublin* for the Purpose of serving as a Public Record Office: 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:

1. This Act may be cited for all Purposes as "The Public Records (*Ireland*) Act, 1867." Short Title.

2. This Act shall extend to *Ireland* only. Extent of Act.

3. In

Interpretation of Terms.

3. In this Act the Word "Records" shall be taken to mean all Rolls, Records, Writs, Books, Proceedings, Decrees, Bills, Warrants, Accounts, Papers, and Documents whatsoever, of a public Nature, belonging to Her Majesty, or now deposited in any of the Offices or Places of Custody herein-after mentioned. The Expression "Lord Lieutenant" and "Master of the Rolls" shall mean the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and the Master of the Rolls in *Ireland* respectively.

Records to be in the Custody of the Master of the Rolls, Ireland.

4. The Records belonging to Her Majesty herein-after mentioned; that is to say,

All the Records of the Court of Chancery which now are or ought to be deposited in the Rolls Office, and all other Records of the same Court, in whatsoever Custody they are deposited, which shall be of the Age of Twenty Years from the making thereof:

All the Records of the Courts of Queen's Bench, Common Pleas, and Exchequer, Probate and Admiralty Courts, and of the former Court of Prerogative, in whatsoever Custody they are deposited, which shall be of the Age of Twenty Years from the making thereof:

All the Records, Maps, Books, and Documents, of whatsoever Nature or Kind, now deposited in the Custom House Buildings, *Dublin:*

All original Wills of which Probate shall have been granted not later than Twenty Years in all Courts and Offices throughout *Ireland* having Testamentary Jurisdiction:

All the Bermingham Tower Plea, Pipe and other Rolls, and the Parliamentary Records, the Records deposited in the State Paper Department, except those which shall not be Fifty Years of Age from the making thereof, and all other Records (other than those appertaining to the Office of Ulster King of Arms) now deposited in the Record Tower, *Dublin Castle:*

All Records and Documents of any Courts, Commissions, or public Offices which shall have ceased to exist, and are not comprehended under the foregoing Denominations,

shall, from the passing of this Act, be under the Charge and Superintendence of the Master of the Rolls for the Time being, in the Name and on behalf of Her Majesty, Her Heirs and Successors, and shall be removed to the Public Record Office aforesaid in manner herein-after provided: Provided always, that until such Removal the Persons now having the Care of any such Records shall continue to have the Charge of them, subject to such Orders

as

as the Master of the Rolls is herein empowered to give concerning the same.

Lord Lieutenant in Council may order Records in other Offices to be included in this Act.

5. It shall be lawful for the Lord Lieutenant, with the Advice of the Privy Council in *Ireland*, to order that Records belonging to Her Majesty deposited in any Office, Court, Place, or Custody in *Ireland*, other than is herein-before mentioned, shall be thenceforth under the Charge and Superintendence of the Master of the Rolls; and thereupon the Provisions of this Act shall extend to all such Records, and to the Persons then having the Charge or Custody of the same, as fully as if such Office, Court, Place, or Custody had been named and included in this Act.

Public Record Office established.

6. The Commissioners of Public Works in *Ireland* shall, as soon as conveniently may be after the passing of this Act, deliver up to the Master of the Rolls the said Building in the Neighbourhood of the Four Courts in *Dublin;* and thereupon a Public Record Office shall be there established, under the Master of the Rolls, to be styled the "Public Record Office of *Ireland;*" and from and after the Time when the said Public Record Office shall be established, every Office or Place where Public Records, which by the Authority of this Act are placed under the Superintendence of the Master of the Rolls, are or shall be deposited, shall, so long as such Records remain therein, be deemed and taken to be a Branch or Part of the said Public Record Office.

Compensation to present Record Keepers.

7. All Keepers of Records and Persons deriving Emolument from any Office to which the Custody of Records is attached, or from Fees for searching or copying Records by virtue of any Office holden by them or any of them before or at the passing of this Act, whose Office, Profits, or Emoluments shall in anywise be affected by the passing of this Act, may deliver to the Master of the Rolls a Statement in Writing of any Losses they may thereby sustain, or of the Manner in which they may be thereby affected, and the Master of the Rolls shall have Power thereupon to examine the Parties and such other Persons as he may think fit, and shall report such Statements, and the Result of such Examinations, with his Opinion thereon, to the Commissioners of Her Majesty's Treasury, who may award such Compensation to the said Record Keepers and Officers as they may think fit; and the Payment of any such Compensation shall be taken to be an Expense incurred for the Purposes of this Act: Provided always, that account shall be taken of such Compensation in any Salary or Emolument to which any Person to whom the same shall be awarded may become entitled

entitled in virtue of any Appointment in the Public Record Office or elsewhere in Her Majesty's Service: Provided also, that every Person of less than Forty Years Service who shall receive any Compensation under this Act shall, if appointed, take upon himself the Office of Deputy Keeper or any other Office of not less Emolument than he has already received, without Prejudice nevertheless to his Right to Compensation under this Act, if afterwards removed from the said Office for any Cause other than for Misbehaviour.

Deputy Keeper of the Records to be appointed.

8. The Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint a fit Person, duly qualified by his Knowledge of Records, to be Deputy Keeper of the Records, and may remove the Deputy Keeper of the Records, and appoint another Person in his Room; and the Deputy Keeper of the Records shall act as Chief Record Keeper under the Master of the Rolls, and shall superintend all Persons employed in the Public Record Office, in keeping the Records in the Custody of the Master of the Rolls, and discharge all such other Duties as he may be required, subject to such Directions as he may from Time to Time receive from the Master of the Rolls.

Assistant Keeper, Clerks, Officers, and Servants to be appointed.

9. The Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint a fit Person, duly qualified by his Knowledge of Records, to be Assistant Deputy Keeper of the Records, and, with the like Consent, all such Clerks, Officers, and Servants as shall be necessary for the Purposes of this Act, and the Persons so appointed shall assist in executing this Act under the Superintendence of the Deputy Keeper of the Records, in such Manner as the Master of the Rolls may direct; and the said Assistant Deputy Keeper of the Records shall be removable by the Master of the Rolls with the Consent of the Lord Lieutenant, and the said Clerks, Officers, and Servants shall be removable by the Master of the Rolls: Provided always, that the said Clerks, Officers, and Servants shall in the first instance be appointed from among such Persons entitled to Compensation under this Act whom the Lord Lieutenant shall judge to be in all respects competent and fit to be appointed to such Offices or Service respectively.

State Papers of Chief Secretary's Office to be removed in the first instance to Record Tower.

10. The State Papers belonging to the Office of the Chief Secretary to the Lord Lieutenant shall from Time to Time, by Order of the Lord Lieutenant, be removed to the Record Tower, *Dublin Castle*, and shall be there deposited, and shall remain in the Care of the present Keeper of the Records in the said Record Tower, as Keeper

Keeper of the State Papers therein, so long as he shall continue in such Office, and thereafter in the Care of such Officer as shall be appointed for that Purpose by the Lord Lieutenant with like Consent as aforesaid, subject to the Charge and Superintendence of the Master of the Rolls; and whenever any such Records shall be of the Age of Fifty Years from the making thereof, the said Keeper shall certify to the Lord Lieutenant and the Master of the Rolls that such Records are proper to be removed to the said Public Record Office.

Records in State Paper Department of the Record Tower to be kept there till arranged, &c.

11. The Records now in the State Paper Department of the Record Tower, *Dublin Castle*, shall continue to be in the Care of the said present Keeper, but subject to the Charge and Superintendence of the Master of the Rolls; and such Records shall be arranged and classified, and Indexes to the same shall be made by the said Keeper with due Diligence and in such Manner as the Master of the Rolls shall direct, and when the Arrangement, Classification, and Indexes of such Records, or of any Part thereof, shall be complete, the said Keeper shall certify to the Lord Lieutenant and the Master of the Rolls that such Records are in a fit Condition to be removed to the said Public Record Office.

Salaries of Officers.

12. There shall be paid to the Deputy Keeper of the Records, to the Assistant Deputy Keeper of the Records, to the present Keeper of the State Papers in the Record Tower, and to the Clerks, Officers, and Servants appointed as herein-before is provided, such annual Salaries as the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint, and the said Salaries shall be paid out of such Funds as Parliament shall from Time to Time provide for that Purpose.

Removal of Records to Public Record Office.

13. The Master of the Rolls shall, as soon as conveniently may be, issue Warrants directed to the several Persons having the Care of the said Records, ordering such Persons to allow them to be removed from their present Place of Custody, and deposited in the said Public Record Office; and every such Warrant shall be kept among the Public Records in the Custody of the Master of the Rolls, and shall be a sufficient Warrant for the Removal of such Records as shall be specified therein: Provided always, that nothing herein contained shall authorize the Removal of any of the Records in the State Paper Department of the Record Tower, or in the Chief Secretary's Office, *Dublin Castle*, until the same shall be certified by the Person having the Care thereof to be in a fit

Condition to be removed, and that the Lord Lieutenant shall countersign the Warrant for Removal.

Accumulating Records to be delivered from Time to Time to the Master of the Rolls.

14. After the passing of this Act the Records of the Court of Chancery of *Ireland*, and of every Court or Public Office in *Ireland*, shall be deemed to be in the Custody of the Master of the Rolls under the Authority of this Act, and subject to the Regulations hereby authorized to be made; and the Master of the Rolls shall, by Warrant under his Hand, from Time to Time appoint a fit Person or fit Persons to attend all public Courts and Offices in *Ireland*, and in his Name to receive and take charge of all other Records of which the Charge and Superintendence are hereby vested in him; and the Chief Judge of the Court, or principal Officer of the Office to which the same shall belong, upon Sight of the Warrant of the Person thereby appointed to take charge of the Records then to be delivered from that Court or Office into the Custody of the Master of the Rolls, shall give the necessary Orders to the proper Officer or Officers of his Court or Office for the Delivery thereof; and as soon as the said Records shall have been so delivered to the Person so appointed to receive the same, in pursuance of such Warrant, the same shall be deemed to be in the Custody of the Master of the Rolls, and shall forthwith be removed to and deposited in the Public Record Office, and shall be subject to the Regulations hereby authorized to be made; and the Person receiving any Records shall thereupon deliver a Schedule thereof, and a Receipt for the same under his Hand, to the Judge or Officer from whom the same shall be received, and shall deliver a Copy of such Schedule to the Master of the Rolls, or the Officer by him appointed to receive the same into the Public Record Office: Provided always,

First—That no such Warrant be issued by the Master of the Rolls unless the same shall be first approved of and countersigned by the Lord High Chancellor of *Ireland*:

Secondly—That every such Warrant shall specify and describe the Records intended to be delivered to the Person thereby authorized to receive the same:

Thirdly—That the Master of the Rolls shall not issue any such Warrant for the Removal of any Records belonging to any of Her Majesty's Courts of Common Law, to the Court of Probate, to the Landed Estates Court, or to the Court of Admiralty, unless or until the Records described in such Warrant shall be of the Age of Twenty Years from the making thereof, or, if the same be under that Age, unless the Removal

Removal thereof shall have been requested by the Chief Judge of the Court to which the same shall belong:

Fourthly—That if it shall appear to the Chief Judge of any such Court that it will be conducive to the Ends of Justice, or to the due Performance of the Business of such Court, that any Records belonging thereto should not be delivered into the Custody of the Master of the Rolls at the End of Twenty Years from the making thereof, it shall be lawful for such Chief Judge to certify such his Opinion to the Master of the Rolls, and that the Master of the Rolls, upon receiving such Certificate under the Hand of such Chief Judge, may and shall, from Year to Year, but not for any Time longer than a Year without a new Certificate, abstain from issuing any Warrant for the Removal of the Records mentioned in such Certificate into his Custody:

Fifthly—That the Master of the Rolls shall not issue any such Warrant for the Removal of any State Papers belonging to the Office of the Chief Secretary to the Lord Lieutenant, and kept in his Office or deposited in the State Paper Department in the Record Tower, unless the same shall be of the Age of Fifty Years from the making thereof, and that the Consent of the Lord Lieutenant for such Removal shall have been previously obtained.

Validity of Records after Removal.

15. The Removal of any Record to the said Public Record Office, by Authority of the Master of the Rolls, shall not in any Manner affect the legal Authenticity of such Record; but any such Record deposited in the said Public Record Office, and there kept under the Authority of the Master of the Rolls, shall be taken to be in its legal Place of Deposit, and every such Record removed as aforesaid shall be of the same legal Validity in all Courts and Proceedings in the same Manner as if such Record had not been removed.

Persons having Custody of Deeds, &c. fit to be deposited in Record Office, to deposit them subject to Regulations of Master of the Rolls.

16. It shall be lawful for any Trustee or other Person having the Custody of any Deeds or Documents, which in the Opinion of the Master of the Rolls are fit to be deposited in the said Public Record Office, to deposit the same with the Permission of the Master of the Rolls, and subject to any Regulations to be made by him, in a Repository which may be provided by him for such Purposes in the said Public Record Office; and any Deeds or Documents so deposited shall be deemed to be Public Records in the Custody of the Master of the Rolls.

17. The

Master of the Rolls to make Rules for the Management of the Office and the Admission of Persons using the Records;

17. The Master of the Rolls shall have Power to make Rules for the Management of the said Public Record Office, and the Duties to be performed by the Deputy Keeper, Assistant Deputy Keeper, Clerks, Officers, and Servants thereof, and for cleaning, repairing, preserving, and arranging all the Public Records under his Charge and Superintendence, and for making Calendars, Catalogues, and Indexes to the same, and also for the Admission of such Persons as ought to be admitted to the Use of the Records, Calendars, Catalogues, and Indexes in his Custody, and to suspend, alter, or rescind such Rules, or any of them, and, with the Approval of the Commissioners of Her Majesty's Treasury, to fix the Amount of Fees (if any) which he shall think proper to be paid for the Use thereof respectively, and for making Copies of Records, as herein-after provided, and from Time to Time to vary the same as he shall think fit; and also, with the like Approval, to make Rules for dispensing with the Payment of Fees in such Cases as he shall think fit; and every such Rule shall be laid by the Master of the Rolls before both Houses of Parliament within Six Weeks after it is made, or after the next meeting of Parliament; and all such Fees as shall be paid for the Use of the Records in the Custody of the Master of the Rolls shall be paid quarterly into the Bank of *Ireland* to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund.

and for dispensing with Fees in certain Cases.

Seal of the Record Office to be provided.

18. The Master of the Rolls shall cause to be made a Seal of the said Public Record Office, and shall cause to be sealed or stamped therewith all certified Copies made as herein-after provided of any Records in his Custody.

Power to order the making of authentic Copies of Records, which shall be sealed.

19. The Master of the Rolls or Deputy Keeper of the Records may allow Copies to be made of any Records in the Custody of the Master of the Rolls, at the Request and Costs of any Person desirous of procuring the same; and any Copy so made shall be examined and certified as a true and authentic Copy by the Deputy Keeper of the Records, or by the Assistant Deputy Keeper of the Records, and shall be sealed or stamped with the Seal of the Record Office, without any Proof of the Seal or Stamp or of the Signature or of the official Character of the Person appearing to have signed the same, and delivered to the Party for whose Use it was made.

Such Copies, sealed with the Seal of the Record

20. Every Copy of a Record in the Custody of the Master of the Rolls, certified as aforesaid, and purporting to be sealed or stamped with the Seal of the Public Record Office, shall be received as Evidence

Evidence in any Court of Justice, and before any legal Tribunal, and before either House of Parliament, or any Committee of either House, without any further or other Proof thereof, in every Case in which the original Record could have been received there as Evidence. Office, to be received in Evidence.

21. It shall be lawful for the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, to cause to be printed from Time to Time such Calendars, Catalogues, and Indexes of Records, and also such Records, in the Custody of the Master of the Rolls, as the Chief Secretary may select, or as the Master of the Rolls shall recommend as fit to be printed. Calendars, Indexes, and Records may be printed.

22. All Records, Calendars, Catalogues, and Indexes of the said Records which shall be printed as aforesaid under the Direction of the Master of the Rolls shall be published and sold for such reasonable Sums which shall be approved by the Commissioners of Her Majesty's Treasury; and the Proceeds of all such Sales shall be paid into the Bank of *Ireland*, to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund: Provided nevertheless, that so many printed Copies of any such Records, Calendars, Catalogues, and Indexes as the said Commissioners from Time to Time shall direct may be presented gratuitously to Public Offices, Institutions, and Libraries in this or any other Realm or Country. Printed Copies of Records to be sold.

23. The Commissioners of Her Majesty's Treasury shall have Power to purchase, for the Use of the said Public Record Office, any private Calendars, Catalogues, and Indexes to the Public Records which the Master of the Rolls shall recommend as fit to be purchased; and every Calendar, Catalogue, and Index to any Records in the Custody of the Master of the Rolls which shall be compiled, continued, or copied after the passing of this Act, by any Person belonging to or employed in the said Public Record Office, excepting such printed Copies which shall be sold or given away by the Authority aforesaid, shall belong to Her Majesty, Her Heirs and Successors, for the Use of the said Public Record Office. Power to purchase private Calendars, Catalogues, and Indexes.

24. The Deputy Keeper of the Records, under the Direction of the Master of the Rolls, shall once in every Year report to the Lord Lieutenant the Proceedings had in the Execution of this Act; and Annual Report to be made to Parliament

by Deputy Keeper of Records.

every such Report shall be signed by the Deputy Keeper of the Records and Master of the Rolls, and shall be laid before both Houses of Parliament.

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