ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

****

C A P. LXXXVIII.

An Act for the recording of Titles to Land in *Ireland*. [5th *July* 1865.]

WHEREAS it is expedient that Titles conferred by the Landed Estates Court, *Ireland*, should be kept free from Complication, so that subsequent Dealings with the Estates held under such Titles may be more simple and economical: 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:

Short Title and Extent of Act.

1. This Act may be cited for all Purposes as "The Record of Title Act (*Ireland*), 1865;" it shall apply to *Ireland* only, and shall come into operation on the Second Day of *November* One thousand eight hundred and sixty-five.

Construction of Terms.

2. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction)—

The Word "Judge" shall mean One of the Judges of the Landed Estates Court, *Ireland*:

The Word "Court" shall mean the Landed Estates Court, *Ireland*:

The

The Word "Officer" shall mean the Officer for the Time being of the Landed Estates Court, *Ireland*, whose Duty it shall be to carry out this Act, under the Direction of the said Court:

The Word "Record" shall mean the Book or Books to be provided and kept for the recording of Titles, pursuant to this Act, in the Landed Estates Court:

The Word "Land" shall extend to Manors, Messuages, Advowsons, Rectories, Tithes, Lands, Tenements, and Hereditaments, and to Rents or Annuities charged upon Hereditaments, whether subject to any Fee-farm or other perpetual Rent, with or without Condition of Re-entry for securing the same, or otherwise, and whether corporeal or incorporeal, and to any undivided Share thereof:

The Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by a Lease or Agreement in the whole or any Part of the Land therein comprised, and shall include any Term of Years:

The Word "Owner," as applied to Land, shall include any Person entitled in possession in Fee Simple or in Tail or quasi in Tail, and any Person who has a Power of appointing or disposing of the Fee, or appointing or granting in Fee Farm, and whether with or without the Consent of another Person, and any Person entitled as a Trustee for Sale or having a Power of Sale, or of granting in Fee Farm, and whether with or without Consent as aforesaid, and as applied to a Lease shall include any Person entitled in possession to the Interest thereunder, or having Power to appoint or dispose thereof, and to any Person entitled thereto as a Trustee for Sale or having a Power of Sale:

The Words "Person" or "Owner" shall extend to a Body Politic or Corporate:

The Word "Charge" or "Incumbrance" shall include any Legacy, Portion, Lien, or other Charge whereby a Sum of Money is secured to be paid, and also any annual or periodical Charge, and also any Charge hereafter to be imposed on Land under any Public Act for promoting Drainage or Land Improvement, and also every other Charge upon Land which is deemed an Incumbrance in a Court of Equity:

The Word "Certificate" or "Land Certificate" shall include the Counterpart of a Conveyance, or the Duplicate of a Judicial Declaration of Title recorded pursuant to this Act:

The Word "Settlement" shall include any Instrument under which any Land or Lease shall be at Law or in Equity so limited as to create partial or limited Estates or Interests:

The Expression "recorded Estate" shall mean any Land or Lease the Title to which shall be recorded under the Provisions of this Act.

Record of Title to be established of Land which has been the Subject of Conveyance or Declaration by the Landed Estates Court.

Record of Title to be established under Control of the Landed Estates Court.

3. There shall be established a Record of Title, to be kept under the Control and Direction of the Landed Estates Court; and the Office in which such Record is kept shall be called "the Record of Title Office" of the said Court.

Any Conveyance from the Court may be recorded under this Act.

4. Any Person, upon obtaining a Conveyance from the Court of any Land or Lease, or of any Interest therein, shall be entitled to have such Conveyance entered in the Record, and on the same being so entered the Land or Lease, or Interest therein, comprised in such Conveyance, shall be and be deemed to be for the Purposes of this Act a "recorded Estate."

Extension of the Powers of the Court as to granting Declarations of Title. 21 & 22 Vict. c. 72.

5. And whereas the Court has Power to grant a Judicial Declaration of Title to a Fee Simple Estate, and it is desirable to extend such Power: Be it therefore enacted, That, notwithstanding anything contained in an Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty, intituled *An Act to facilitate the Sale and Transfer of Land in* Ireland, the Court may, on the Application of the Owner of any Land or Lease of any Tenure in *Ireland*, proceed to investigate his Title to the Estate or Interest or Power in respect of which he claims to be such Owner, and grant such Declaration, in the Manner directed by the said Act.

Every Declaration of Title may be recorded, and need not be registered in the Deeds Registry.

6. Any Person, upon obtaining a Declaration of Title from the Court, shall be entitled to have such Declaration entered upon the Record, and thereupon the Land or Lease comprised therein shall be and be deemed to be a recorded Estate; and no Declaration of Title so entered upon the Record shall be registered in the Office for registering Deeds in *Ireland;* and it shall not be necessary to keep in the Court any other Record or Copy of any such Declaration of Title than that herein-after mentioned, anything in the said recited Act, or in any Rule or Order made pursuant thereto, notwithstanding.

Any Person obtaining a Conveyance or Declaration may decline to have his Title recorded under this Act.

7. Any Person to whom any Conveyance or Declaration of Title shall be given by the Court may, by Requisition under his Hand, lodged in the proper Office of the Court within Seven Days after the Execution of such Conveyance or Declaration by a Judge, require that the Title so conferred shall not be recorded under this Act; and on such Requisition the Court shall deliver out such Conveyance or Declaration, and the same shall not be recorded: The Provisions of the said Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty, as to the Registration of Declarations of Title in the Office for registering Deeds, shall in that Case take

take effect as though this Act had not been passed: Provided always, that any Declaration of Title made after the passing of this Act, and not recorded pursuant to this Act, may be registered in the said Office for registering Deeds at any Time within Fourteen Days after the Execution thereof by the Judge.

Conveyances and Declarations when recorded to be entered, each to form, with subsequent Entries, a Folio.

8. All Conveyances and Declarations which are retained for the Purpose of being recorded under this Act shall be entered in the Book or Books forming the Record, and bound up therein, leaving Space for further Entries; and each of such Conveyances and Declarations, together with the further Entries (if any) thereunder, shall form a Division (herein-after called a Folio) of the Record, distinguished by a separate Number, or in such other Manner as the Officer may determine.

Duplicates of Conveyances or Declarations may be issued.

9. A Counterpart of every Conveyance and a Duplicate of every Declaration of Title, recorded as aforesaid, signed by a Judge, and under the Seal of the Court, may be issued to the Person entitled thereto; and every such Counterpart or Duplicate so issued shall be marked by the Officer with a Memorandum of the recording as aforesaid; and every such Counterpart or Duplicate so marked shall as of the Date thereof be and be deemed to be for all Purposes as effectual as a "Land Certificate" granted as herein-after mentioned, and shall for the Purposes of this Act be regarded as a Land Certificate.

Books of Record not to be inspected without Leave.

10. The Record shall be kept in the Office, and shall not be removed therefrom for any Purpose, unless the Court shall direct. The Record may be inspected by the recorded Owners of the Estates and Interests, or of the Mortgages and Incumbrances recorded therein respectively, or by their Solicitors or Agents. No other Person shall be permitted to inspect or to take Copies of or Extracts from the Record, unless authorized by any such Owner or by Fiat of a Judge. An Index to recorded Estates shall be made and regularly entered up; and such Index may be inspected by any Person without Payment of any Fee.

Index to be made.

Questions arising on the Record to be disposed of by a Judge, who may decide or deal with the same as may seem right.

11. If in making up or continuing such Record of Title as aforesaid any Question shall arise as to the true Construction or legal Validity or Effect of any Deed, Will, or Instrument, or as to the Persons entitled, or the Extent or Nature of the Estate, Right, or Interest, Power or Authority, of any Person or Class of Persons, or the Priority of any Charge or Incumbrance, Claim or Interest, or as to the Mode in which any Entry ought to be made in the Record of Title, such Questions shall be disposed of by the Judge, who may either decide the same, or direct any Proceeding at Law or in Equity for that Purpose, or, at his Discretion, and without

without deciding such Question, may direct such Entry to be made on the Record as shall appear to be right; and the Judge may direct the Estate or Interest of any Person to be recorded by reference to the Deed, Will, or Instrument creating the same, or Copy thereof made and retained in Court, as herein-after directed.

Recorded Owners to be entitled to the Estates mentioned on the Record, free from all other Claims.

12. Subject to any Qualification mentioned in such Record of Title, and to any recorded Charges, Incumbrances, Tenancies, or Leases, and to any Tenancy or Lease not required to be noted on the Record, the recorded Owner for the Time being shall be and be deemed to be absolutely and indefeasibly possessed of and entitled to such recorded Estate against all Persons, and free from all Rights, Interests, Claims, and Demands whatsoever, including any Estate, Claim, or Interest of Her Majesty, Her Heirs and Successors: Provided always, that nothing herein contained shall prejudice or affect any Rentcharge in lieu of Tithe, or any Crown Rent or Quitrent to the Crown, or any Charge imposed before the Day of the passing of this Act under any Public Act or Acts for promoting Drainage or Land Improvement in *Ireland*.

Informality not to prejudice Entry in Record of Title.

13. No Entry in such Record of Title as aforesaid shall be set aside or called in question as against any Person who may afterwards become interested under any Sale, Mortgage, or Contract for valuable Consideration by reason of any Irregularity or Informality therein, or in the Proceedings previous to the making thereof.

Every Charge, &c. to be entered in Record of Title.

14. From and after the recording of any Land or Lease, every Settlement, Transfer, Mortgage, Charge, Lease, or Sub-Lease granted or in any Manner created in or affecting such Land or Lease or any Part thereof (except as herein excepted) shall be entered or noted in the Record of Title to be kept as aforesaid. Recorded Charges on the same Land or Lease shall, as between themselves, rank according to the Date of their being recorded, and not according to the Date of their Creation.

Estates of Proprietors subject to existing Law.

15. Subject to the Enactments herein contained, the Estates and Interests of all recorded Owners shall remain subject to the existing Law, and may be dealt with, assured, devised, and transmitted by Descent or Representation according to the ordinary Rules of Law and Equity.

Acts relating to Registry of Deeds not to apply to

16. The Provisions of the several Acts of Parliament now in force relating to the Registry of Deeds in *Ireland* shall cease to be applicable to any Land so soon as it has been placed on the Record

recorded Land.

under the Provisions of this Act, and so long as it remains thereon; and the said several Acts shall not be applicable to any Lease, Charge, or Incumbrance on the Record, so far as the same affects any recorded Estate: Provided always, that so soon as any Conveyance or Declaration of Title has been recorded under this Act, a Memorial of the placing of the Land or Lease on the Record shall be prepared specifying the recorded Ownership and full Description of the Lands, which Memorial shall be certified under the Seal of the Court, and shall be forthwith handed to the Registrar of the Registry of Deeds in *Ireland;* and such Registrar is hereby authorized and directed to file such Memorial, when duly verified, in the same Way as Memorials of Deeds, and shall receive such Fees thereon as now chargeable for Memorials of Deeds, and the said Registrar shall duly enter in the Registry the Name of the said Owner and the Description of the Lands, and shall make the usual Return on any Requisition as with regard to Memorials of Deeds. Such Memorial, when registered, shall be conclusive Evidence of the several Matters therein contained.

Power to amend the Record on Fiat of a Judge, and the like Amendment to be made in Land Certificate.

17. The Officer shall, when directed by a Fiat of a Judge, but not further or otherwise, make any Amendment or correct any Error in the Record or in any Map thereto annexed, as the Judge shall consider just; such Amendment or Correction shall be made after such Notices, and on such Terms as to Costs or otherwise, as the Judge may think fit. Every such Amendment or Correction in the Record shall be marked by the Officer with the Date of making the same, and with the Initials of his Name; and any Certificate which may have been issued as herein-after mentioned, or other Instrument of Title, shall be amended in like Manner; and the Judge may direct and compel any such Certificate or Instrument of Title to be brought to the Office by any Person for the Purpose of Amendment, or for the Purpose of having a new Certificate granted in lieu thereof; and such Amendment of the old or substitution of a new Certificate shall be without Prejudice to any Claim of Lien or other Claim thereon, and shall be on such Terms as to Costs as may be just.

Power to order a Certificate to be brought in to be amended or a new one substituted.

As to Land Certificates and Certificates of Charges.

Officer to deliver Land Certificates.

18. The Officer shall, upon Request, deliver to every Person who is named or described in the Record as the Owner of any recorded Estate a Certificate, herein called a "Land Certificate," under the Seal of the Office, which Certificate shall contain a Copy of the Description of the Estate and Particulars of the Incumbrances, Leases, and other Matters in force relating thereto, and a Copy of the

the Map (if any); the Officer shall also, upon Request, deliver to every Person who is named or described in the Record as the Owner of any Charge or Incumbrance a Certificate of Charge: Provided always, that no Certificate shall be issued until any Duplicate Conveyance or Declaration or former Certificate (as the Case may be) which may have been issued shall be returned to the Officer to be cancelled.

Certificates of Charge to be also issued.

19. At the Request of the Holder the Officer shall at any Time compare any such Certificate with the Record, and, if there has been no Alteration, shall certify at the Foot of such Certificate that it contains a true Statement of the Entries in the Record, and shall sign the same and add the Date of such Signature. Any Alteration or Omission which can be conveniently made in a Certificate, or any Addition thereto, so as to make the same correspond with any Alteration in the Record, may be made and signed by the Officer, if he shall think fit. Before recording any Transfer or other Dealing (except a Lease), the Officer shall serve a Notice thereof on the recorded Owner in the Manner directed by Section Sixty-four of this Act, unless such Owner shall appear in Person, and be identified to the Satisfaction of the Officer; and the Officer shall also require the Production of the Certificate or other Instrument of Title equivalent thereto that may have been issued; and when such Transfer or Disposition has been completed such Certificate or Instrument of Title (if re-issued) shall be made up so as to correspond with the Record. A new Certificate may be granted on the Delivery up of the former Certificate.

Officer to compare Certificate with the Record.

20. Whenever any recorded Owner shall be desirous of selling or mortgaging any recorded Estate he may, on giving up to the Officer his Land Certificate, obtain a "special Land Certificate" for that Purpose, which shall contain the Particulars given in the Land Certificate. Such special Certificate shall be conclusive Evidence of the Title of the recorded Owner as appearing by the Record. No Entry shall be made by the Officer in the Record of any Deed, Instrument, Act, or Transaction affecting the Estate comprised in such special Certificate, except on the Delivery up of such special Certificate, until Fourteen Days have expired from and after the Day of the Date thereof. A Note of such special Certificate shall be entered in the Record.

Recorded Owner desirous of selling, &c. may obtain special Land Certificate.

21. Every Land Certificate, or Certificate of Charge, duly signed and sealed, shall be conclusive Evidence of the several Matters therein contained as of the Date of such Certificate. The Deposit of the Certificate by the Person entitled thereto shall, for the Purpose of creating a Lien on his Estate and Interest, be a valid Security

Certificate to be Evidence, and may be deposited as Security.

Security in the Terms of any Letter or Memorandum or Agreement accompanying such Deposit; and such Letter or Memorandum or Agreement shall be chargeable with the same Stamp Duty as a Mortgage would have been according to the Stamp Acts now in force.

Power of subdividing Land or Charge, and of obtaining new Certificates.

22. Any Owner of a recorded Estate or Charge, on making Application to the Officer, and upon giving up his Certificate to be cancelled, and on producing the Consent of any Incumbrancer or other Person whose Consent shall be deemed necessary, may obtain separate Certificates for separate Parcels of Land, or for separate Portions of any Charge, or may obtain One Certificate comprising several Parcels of Land or Charges; and in such Case the old Folio of the Record may be cancelled, and new Folios or Chapters relating to such Subdivisions may be opened therein.

Procedure on Transfer of Part of an Estate.

23. On the Transfer of Part of a recorded Estate a new Folio shall be opened in respect of such Part, and a new Land Certificate issued; and a suitable Entry shall at the same Time be made on the Folio and Map relating to the Residue and on the Certificate thereof; or, if the Officer shall deem it more convenient, he may cancel the old Folio, and open a new one, and issue a new Certificate in respect of the Residue of the Estate.

Apportionments may be made and Surveys directed for the Purposes of Subdivision.

24. If for any Purpose mentioned in the last Section any Apportionment of Head Rent or of Tenant's Rent shall be desirable, the Court may apportion such Rent, whether the same be reserved by a Fee-farm Grant or by a Lease, according to its usual Practice with regard to Apportionments, and on the like Notices or Consents being produced: Provided always, that the Officer may, if he deem it necessary, require a new Boundary Survey to be made and new Maps furnished before proceeding to open new Folios in the Record as to separate Parcels of Land.

On Proof of Loss, &c. of Certificate, a new one may be given.

25. If any Land Certificate or Certificate of Charge be lost or destroyed, the Officer may, upon the Fiat of the Judge who shall be satisfied of the Fact of such Loss or Destruction, and shall direct such public Advertisement for the Recovery of the same as he may consider expedient, give a new Certificate, and shall state thereon that it is given in substitution for the former Certificate, and the same Fees shall be chargeable for the new as for the former Certificate; but no such new Certificate shall be of any Avail against any Person who may have already derived Title under the former Certificate.

Transfer and Transmission of recorded Estates and Charges.

Modes by which recorded Estates and Charges may be dealt with.

26. Recorded Estates and recorded Charges may be conveyed, charged, settled, dealt with, or affected—

By a Statutory Deed or Disposition in either of the Forms in the Schedule annexed to this Act;

By Indorsement on the Certificate;

By Deposit of the Certificate as aforesaid;

By Deed, Will, Decree, Order, or other Means by which such Land or Charge, if not recorded, might now, according to Law, be dealt with or affected;

but no Estate, Interest, Contract, or Dealing not noted on the Record shall prevail against the Title of any Owner or of the Proprietor of any Estate, Interest, Charge, or Incumbrance duly recorded under this Act; and no equitable Mortgage or Lien on recorded Land shall be created by Deposit of Title Deeds.

Attendance of Parties at the Office to transfer or deal with recorded Land, &c.

27. On the Occasion of any Transfer, Mortgage, or other Disposition of a recorded Estate, or of any Charge or Incumbrance thereon, the Parties or their Attorneys lawfully authorized may attend at the Office to complete the Transaction. The Description of the Land and of the Estate or Charge proposed to be transferred or dealt with shall be taken from or refer to the Record, and shall be inserted, under the Superintendence of the Officer, in one of the Statutory Forms set out in the Schedule hereto; and such Transfer or Disposition shall be executed by the Owner or Transferror, or by his Attorney lawfully authorized, and duly attested by a Solicitor, and shall then and there, together with the Power of Attorney (if any), be delivered to the Officer for the Purpose of having an Official Note entered in the Record.

Transfer, &c. may be by the Statutory Forms, which shall be effectual.

28. The recorded Owner of any Estate, Charge, or Incumbrance may transfer or charge the same by one of the Forms in the Schedule hereto, and the same shall be as complete and effectual as any other Form of Transfer, Charge, or Mortgage would have been either at Law or in Equity. Persons taking under either of the said Statutory Forms shall take as fully and effectually as if the Estates and Rights expressed to be created and given by such Forms respectively had been created or granted by any of the Modes of Assurance now known to the Law.

Other Deeds may be recorded, on Evidence of due Execution.

29. Any Person claiming under a Deed or Instrument affecting recorded Land executed elsewhere than in the Office may apply to have the same recorded as to such Land, on giving sufficient Evidence of the due Execution thereof; and when the Officer has received such Deed or Instrument he shall forthwith note the

Originals or Copies to be retained in Court.

same on the Record, and shall retain in Court either the Original or a Counterpart, or a Copy, made and compared in such Manner as the Court may by General Rule direct, and under the Hand of the Grantor; and the Original, if handed back to the Person entitled thereto, shall be so marked or indorsed by the Officer as to show that it has been noted on the Record; and so far as relates to the recorded Estate or Charge thereby affected it shall not be necessary to register any Memorial of such Deed or Instrument in the Office for registering Deeds in *Ireland*: Provided always, that the Officer may decline to receive and note any Deed or Instrument which is not made in One of the Forms in the Schedule hereto, unless a Judge has, by Fiat indorsed thereon, directed the same to be received and noted.

When Deed signed, &c., the Interest thereunder to be deemed recorded, and an Official Note to be made.

30. So soon as any Deed or Instrument has been duly executed, and has been received by the Officer, such Deed or Instrument, and the Estate and Right created thereby, shall be deemed to have been duly entered on the Record, and an Official Note of Reference thereto shall forthwith be made by the Officer in the proper Folio of the Record: Provided always, that such Deed or Instrument, and the Estate and Right created thereby, shall not be deemed to have been entered on the Record so as to affect any Land, Lease, or Charge comprised in any such "Special Land Certificate" as herein-before mentioned until after the Expiration of the Time herein-before limited for the Entry of any Deed, Act, or Transaction affecting such Land or Charge.

Vesting Orders may be made, as under the Trustee Acts.

31. For the Purpose of authorizing or of compelling a Transfer to be made of any recorded Estate or Charge or any Part thereof, the Court or a Judge may make such Orders and give such Directions as to the Appointment, Removal, or Change of Trustees, or as to the vesting in them or in any other Person of any Land or Charge, as the Lord High Chancellor is empowered to make or give under "The Trustee Act, 1850," or any Act amending or extending the same.

Power to recorded Owner of closing the Record, and remitting his Estate to the Operation of the old Law relating to the Registry

32. The Owner of any recorded Estate may at any Time by a Requisition under his Hand, and with the Consent of all Persons who may appear to be interested as having Charges or otherwise, and whose Consent shall be deemed necessary, require the Record to be closed, and on such Requisition and Consent being examined and found to be sufficient a Memorial of the closing of the Record shall be prepared, specifying the Ownership and full Description of the Lands, which Memorial shall be signed by the Officer and by the said Owner, and shall be forthwith handed to the Registrar of the

the Registry of Deeds in *Ireland;* and such Registrar is hereby authorized and directed to file such Memorial, when duly verified, in the same Way as Memorials of Deeds, and shall receive such Fees thereon as now chargeable for Memorials of Deeds, and the said Registrar shall duly enter in the Registry the Name of the said Owner and the Description of the Lands, and shall make the usual Return on any Requisition as with regard to Memorials of Deeds. Such Memorial, when registered, shall be conclusive Evidence of the several Matters therein contained. After the Registration of such Memorial the Record shall be deemed to be closed as to such Estate, but shall for all Purposes be deemed to have conferred an indefeasible Title upon the Person last therein described as Owner (subject as therein, and as in this Act, is excepted).

of Deeds, &c. in Ireland.

33. Notwithstanding anything contained in this Act, the Landed Estates Court shall have the same Jurisdiction that Courts of Equity now have on the Ground of actual Fraud, and it may alter or amend the Record on such Terms as may be just.

Jurisdiction of Court declared in Cases of actual Fraud.

34. On the Death of the recorded Owner of any Real Estate, any Person claiming as Devisee may apply to the Judge for a Fiat directing the Officer to record the Applicant as Owner, in the Place of the deceased Person; but the Judge shall withhold such Fiat until the Applicant shall have lodged in the Office the Probate or a true Copy of the Will or Codicil under which he claims; and no Transfer or Disposition by any such Devisee shall be recorded, except after the Service of such Notice on the Heir-at-Law and Executors (if any) as the Judge may deem necessary; and the Judge may also, if he shall see fit, suspend such Fiat until a Decision of some other competent Court in favour of the Title claimed by such Devisee shall have been obtained.

Devisee of deceased recorded Owner may apply to be recorded as Owner. Notice to be given to Heir, &c.

35. On the Death of the recorded Owner of Real Estate, any Person claiming as Heir-at-Law may apply to the Judge for a Fiat directing the Officer to record the Applicant; but no such Person shall be recorded as Owner until at least Six Calendar Months from the Date of such Application shall have expired, and such Notices of every such Application shall be given, by Advertisement and otherwise, as the Judge may think necessary or proper: If there shall be any Doubt, Dispute, or Litigation touching the Ownership of the Estate of a deceased Owner, the Court may appoint a Person to be recorded in his Place as the Representative of such Estate, and shall give Directions to such Representative from Time to Time touching the Management and Letting of the Estate; and all

Heir-at-Law of deceased Owner may apply to be recorded.

Court may appoint a Representative of Estate of a deceased Owner.

Powers of the Representative.

all Acts of such Representative in pursuance of the Directions of the Court shall be valid and binding on all Parties interested in the Estate.

Personal Representative may be recorded.

36. On the Death of the recorded Owner of a Chattel Interest in or of a Charge affecting Land, his personal Representative may apply to be recorded in the Place of the deceased Person.

Assignees may be recorded instead of Owner.

As to Marriage of Female Owner.

37. On the Bankruptcy or Insolvency of any recorded Owner, the Assignee or Assignees of his Estate shall be entitled to be recorded in his Place. On the Marriage of any Female Owner of a recorded Estate or Charge her Husband may apply to be recorded as Co-proprietor in right of his Wife.

Power to record Estates and Interests under Settlements.

The Judge may direct Estates and Interests under Settlements to be separately recorded.

38. Upon the Application of any Person claiming under any Settlement of a recorded Estate a Judge may make an Order directing the Officer to record separately any vested Estate under the Settlement, either in possession, or in remainder after the dropping of a Life or Lives, which can be aliened by the Owner thereof without the Consent of any other Person, and which is not liable to be defeated or affected at Law or in Equity by the Act of any other Person or by any other Contingency. Upon any such Application the Judge shall ascertain whether any Power of Sale or Exchange or Power of charging exists with respect to such Estate, and if so the Record shall be qualified by stating the Existence of such Power; the Judge may also direct the Officer to record separately any vested and ascertained Charge or Incumbrance under the Settlement.

Interests, &c. separately recorded to be recorded Estates or Charges.

39. Any Estate, Interest, or Charge under a Settlement, when separately recorded, shall be, for the Purposes of this Act, and shall be deemed to be, a "recorded Estate" or a "recorded Charge," and a separate Folio or Division (as the Case may be) of the Record shall be opened therefor, and a separate Certificate issued to the Person entitled.

Interests, &c. may be recorded by Reference.

No Appeal to lie if the Judge declines to record separately.

40. On any Application to record separately any Estate, Interest, or Charge under a Settlement, the Judge may decline to have the same separately recorded, or he may (at his Option) direct that the same be recorded by means of a Note of Reference to the whole or any Portion of the Settlement or Counterpart, or the Copy retained in Court as herein-before provided for; and no Appeal shall lie from any Decision of the Judge given under this Section.

41. Trustees

41. Trustees with a Power of Sale may be recorded as Joint Owners, and any Tenant for Life or other Person may by their Consent, or by Direction of a Judge, be entered as a "consenting Party," and without the Consent of the Person so inscribed as last aforesaid no Transfer or Disposition shall be made: Provided always, that the Judge shall have full Power (after such Inquiries and Notices as it shall deem just) to direct the Name of any Person to be removed as a "consenting Party," and to direct the Name of any other Person to be inserted in lieu thereof; and any Person interested in preventing any Sale or Disposition by such Joint Owners may lodge a Caveat with the Officer in manner herein-after mentioned.

Trustees with Power of Sale may be recorded as Owners, and a Person may be recorded as "consenting Party" to any Sale, &c.

Judgments and other Claims on recorded Estates.

42. No Judgment, Recognizance, Crown Bond, Lis pendens, Acceptance of Office, Inquisition, Decree, or Order shall be a Charge upon recorded Land, or in any Manner affect the same, unless and until a Memorandum of the same, in such Form and with such Verification or other Evidence as the Court may by General Rule direct, shall be lodged with the Officer; and the Officer shall, on such Memorandum being lodged, and such Information given as will enable him to identify the Land sought to be charged, make an Official Note thereof on the Record. It shall not be necessary to register or file any Affidavit in the Registry of Deeds Office for the Purpose of making a Judgment a Charge on recorded Land.

No Judgment, Crown Bonds, Lis pendens, &c. to affect recorded Land, unless duly entered on the Record.

Judgments need not be registered by Affidavit.

43. Judgments, Recognizances, Crown Bonds, Lis pendens, Acceptances, and Inquisitions, Decrees, and Orders, entered on the Record by the Lodgment of a verified Memorandum, and the Entry of an Official Note as aforesaid, shall be re-entered before the End of every Five Years from the Entry thereof by the like Means; and no Judgment, Recognizance, Crown Bond, Lis, Acceptance, Inquisition, Decree, or Order shall be of any Force or Effect as against a Purchaser for valuable Consideration, or Mortgagee of a recorded Estate, unless the same shall have been entered or re-entered on the Record within Five Years previous to the Date of the recording of his Purchase or Mortgage; and no such Purchaser or Mortgagee shall be affected by Notice, express or implied, of any Judgment, Recognizance, Crown Bond, Lis, Acceptance, Inquisition, Decree, or Order.

Judgments, Recognizances, &c. to be re-entered before 5 Years.

If not so re-entered they shall not affect Purchasers for valuable Consideration.

44. Whenever Payment is made of any Part of the Principal Money due on a recorded Charge or Incumbrance, the Officer may, on Production of a Receipt signed by the recorded Owner of the

Part Payment of Charge to be noted.

Interest from the last Gale Day only shall be deemed to be due on the Occasion of a Transfer.

Charge and duly verified, make an Official Note thereof, on the Record. Unless and until such Note be made the entire Principal Sum expressed to be due shall, on the Occasion of any Transfer for valuable Consideration, be considered as due. Interest on the Principal Sum since the last Gale Day shall be considered as due, unless the Fact of the Payment of such Interest be recorded. If in any Instrument of Transfer any further Interest be expressed to be due, such Transfer of Arrears of Interest shall be valid only to the Extent to which such Interest shall be actually due and recoverable from the Land. On the Application of any recorded Owner or Incumbrancer, and on finding that any Charge, Incumbrance, or Claim upon a recorded Estate has been paid off or satisfied, the Officer may make an Entry of the Fact on the Record, and no Release or Re-conveyance shall in that Case be necessary.

No Release necessary where the Payment of a Charge is noted.

Sale by Sheriff of any recorded Land or Lease to be noted.

45. Whenever any recorded Land or Lease shall be sold by the Sheriff under any Writ, or shall be sold under any Direction, Decree, or Order of any competent Court, the Officer, on Production to him of the Conveyance or Assignment, and of an Office Copy of the Writ, Direction, Decree, or Order, may record the Purchaser as Owner of such Land or Lease.

Caveats against Transfer, &c.

Power to any Person interested to lodge a Caveat prohibiting dealing with Land, &c.

46. Any Person interested in any Land, Lease, or Charge recorded in the Name of any other Person may lodge a Caveat with the Officer, which Caveat shall be in such Form and shall be verified and noted on the Record in such Manner as the Court shall by General Rule direct. A Caveat shall remain in force for a Period of Twenty-one Days from the Date thereof if the Court shall be then sitting, or if the Court shall not be sitting then for Twenty-one Days from the next Sitting of the Court. Any Transfer or other Disposition recorded during such Period shall, unless a Judge shall otherwise direct, be made expressly subject to the Title and Claim (if any) of the Cautioner.

Caveat to cease unless extended.

Power to a Judge to extend the Operation of a Caveat.

47. After the Expiration of such Period the Caveat shall cease, and the Officer shall cancel any Note thereof on the Record, unless a Fiat continuing it be made by a Judge; and upon the Caveat so ceasing the Land, Lease, or Charge shall be dealt with in the same Manner as if no Caveat had been lodged. If before the Expiration of the said Period the Cautioner or his Solicitor appears before a Judge, and gives such Undertaking or Security, or lodges such Sum in Court as such Judge may consider sufficient to indemnify every Person against any Damage that may be sustained by reason of any Disposition of the Property being delayed, then and in such Case such

such Judge may direct the Officer to delay recording any Dealing with the Land, Lease, or Charge for a further Period, to be specified in such Order, or make such other Order as may be just. If any Caveat be lodged without reasonable Cause, such Judge may order Payment by the Cautioner of such Sum by way of Compensation or Costs as he may deem just.

In certain Cases a Note to be made on Certificate as to Disposition of Land.

48. Where Two or more Persons are recorded as Owners of any Estate or Charge, a Note may, with their Consent or by Direction of the Judge, be made by the Officer on the Record to the Effect that when the Number of such Owners is reduced below a specified Number, no Disposition of such Land or Charge shall be made by the Survivors unless the Judge shall otherwise direct; and such Note shall appear on every Copy or Certificate issued by the Officer.

Leases and Demises of recorded Land.

Mode of leasing or demising recorded Land.

49. Whenever recorded Land is intended to be leased or demised, the Lease and a Counterpart thereof, after being executed by the recorded Owner, and attested, may be brought to the Officer, who shall make an Official Note of the Terms of such Lease in the proper Folio of the Record, and shall mark or indorse on such Lease and Counterpart a Note that they have been recorded. A Lease granted by any Person having Power to lease, but not being the recorded Owner, may, on the Fiat of the Judge, be noted on the Record in like Manner. On the Application of the Lessee, and after Notice to the recorded Owner, any such Lease may be entered in a Subdivision or Chapter of the said Folio, and such Lease shall in that Case be deemed to be a "recorded Estate" within the Meaning of this Act: Provided always, that if the Lessor's Interest shall be subject to any recorded Charge, either the Consent of the Person appearing entitled to such Charge shall be obtained before a Lease or Demise of recorded Land shall be noted or entered on the Record, or, if such Consent be not obtained, the Officer shall enter a Note to the Effect that the granting or recording of such Lease is "without Prejudice to the Title and Claim" of the Person entitled to such Charge; and the Interest of the Lessee shall remain subject to such Qualification as last aforesaid, but the Officer may at any Time, on such Consent being obtained, and proved to his Satisfaction, cancel such Qualification, and thereupon the Title of the Lessee shall become indefeasible, subject only to the Reservations, Clauses, and Covenants contained in the Lease: Provided also, that any Tenancy or Lease lawfully made at a Rackrent without Fine for a Term not exceeding Thirty-one Years, and under which the Tenant is in possession, or any Assignment thereof, shall be valid for all Purposes, although not entered or recorded under this Act.

Consent of any Person entitled to a Charge to be obtained, otherwise the Rights of such Person to be expressly reserved.

Certain Leases excepted from Operation of the Act.

50. On

Title of Lessor in Lease not to be indefeasible unless the Court shall direct a Note to be entered to that Effect.

50. On the recording, pursuant to this Act, of any Land held under Lease, the indefeasible Title shall not extend to the Title of any Lessor or Grantor under whom the same is held, unless the Court, having investigated the Title of such Lessor or Grantor, shall direct an Official Note to be entered to the Effect that the Title of such Lessor or Grantor is guaranteed, and in such Case the Validity of such Lease shall not afterwards be impeached on the Ground of any Want of Power or Title in the said Lessor or Grantor to make the same, or by reason of any Clause, Condition, or Covenant in the same, or by reason of the same not having been duly registered.

Land heretofore conveyed, &c. may be brought upon the Record.

Power in certain Cases to record Land although an Interval has elapsed since such Land was the Subject of a Conveyance or Declaration by the Court.

51. Any Person who has heretofore obtained a Conveyance from the Court of the Commissioners for the Sale of Incumbered Estates in *Ireland*, or has obtained or may hereafter obtain a Conveyance or Declaration of Title from the Landed Estates Court, or the Assign or Representative of any such Person, may apply in a summary Manner, without Petition, to the Court, to be recorded as Owner, pursuant to this Act; and on producing such Conveyance or an Office Copy of such Declaration, and on furnishing such Search or other Evidence of Title, and after the Publication of such Advertisement as the Court may direct, such Person may, if the Court think fit, be recorded as Owner of the whole or Part of the Land or Lease comprised in such Conveyance or Declaration, and such Land or Lease, or Part thereof, shall thereupon become a recorded Estate within the Meaning of this Act: Provided always, that an Interval of Two Calendar Months shall elapse between such First Application and the final recording of the Title as aforesaid; and that the Officer may, if he think fit, require a new Survey of the Land to be made, and a new Map, for the Purpose of Entry on the Record.

General Provisions, Practice of the Office, Rules, Forms, Fees, &c.

Officer not to be restrained by Injunction, &c.

52. No Act, Entry, or Proceeding under this Act shall be restrained nor shall the Officer be restrained by Order or Injunction of a Court of Equity or by Writ of Prohibition; nor shall the Officer be required by Writ of Mandamus to do any Act, or make any Official Note or Entry under this Act; nor shall the Record or any Book or Document be liable to be removed from the Office under any Writ or Process of any other Court, unless a Judge shall so direct.

Indemnity for Acts done bonâ fide.

53. The Judge shall not nor shall the Officer, or any Person acting under the Authority of either of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter

bonâ

bonâ fide done or omitted in the Exercise or supposed Exercise of the Powers of this Act.

Days and Hours when the Office shall be open for Business.

54. The "Record of Title Office" of the Court shall be open for Business on every Day of the Year, except the following Days; *viz.*, *Sundays*, *Christmas Day*, *New Year's Day*, *Good Friday*, *Easter Monday*, and *Whit Monday*, and any Day duly appointed to be kept as a Day of General Fast or Thanksgiving. The said Office shall be open during such Hours, and such Officer and Clerks shall attend therein, as the Court shall from Time to Time direct.

General Rules to be made and approved of, and submitted to Parliament.

55. The Court shall, on or before the First Day of *January* next, frame a Code of General Rules and of Forms for carrying out the Objects of this Act. Such General Rules shall further provide for the Sale, Transfer, Partition, and Exchange of "recorded Estates" by the Court. Such Rules and Forms shall be submitted to the Lord Chancellor of *Ireland*, and approved of by him, before they shall be binding, and when made and approved of as aforesaid they shall be laid before Parliament forthwith, if Parliament is sitting, or if not, within Fourteen Days after the next Sitting of Parliament; and such Rules and Forms may from Time to Time be added to, rescinded, or altered by the like Authorities respectively; and all such Rules shall take effect as General Rules of the Court.

Seal of Record of Title Office.

56. A Seal shall be prepared for the Record of Title Office of the Court, and shall be kept in the Custody of the Officer, and all Certificates and other Documents purporting to be sealed with such Seal shall be admissible as Evidence, without further Proof.

Person making false Statement, guilty of Misdemeanor.

57. If in any Proceeding to obtain the recording of any Land, or to obtain any Certificate, or otherwise in any Transaction relating to Land which is or is proposed to be put upon the Record, any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in or be privy to the suppressing, withholding, or concealing from any Judge or the Officer, or any Person assisting the Officer, any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award. The Act or Thing done or

obtained by means of such Fraud or Falsehood shall be null and void to all Intents and Purposes, except as against a Purchaser for valuable Consideration without Notice.

No Proceeding, &c. declared a Misdemeanor to affect Remedies of Persons aggrieved.

58. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall affect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

Answers to Questions, &c. not admissible in Evidence.

59. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer or otherwise to any Bill or Petition in Equity, or to answer any Question or Interrogatory in any Civil Proceeding in any Court of Law or Equity, or in the Court of Bankruptcy, but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

Provisions as to Applications made by married Women.

60. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily, and such Examination may be taken by the Judge. A married Woman entitled to her separate Use, and not restrained from Anticipation, shall, for the Purposes of this Act, be deemed a Feme Sole.

Provision for other Persons under Disability.

61. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may, with the Assent of a Judge, make such Applications, give such Consents, do such Acts, and be Party to such Proceedings as such Person respectively if free from Disability might have made, given, done, or been Party to, and shall otherwise, with such Assent as aforesaid, represent such Person for the Purposes of this Act. Where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person, the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act, is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for a Judge to appoint a Guardian of such Person for the Purpose of any Proceedings

ings under this Act, and from Time to Time to change such Guardian; and where a Judge sees fit he may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Record to be under Management of certain Officers of the Court.

62. The Record shall be under the Management of the following principal Officers of the Landed Estates Court; *viz.*, the Examiners and the Registrar, or of such One of them as the Judges shall from Time to Time direct, and in case of his Absence the Judges shall appoint One other of the said Officers to supply his Place; and the Judges shall adjust the Duties now performed by the said Officers in such Manner as may appear expedient for the Purposes aforesaid, and shall so arrange the same that some One of the said Officers shall be in attendance daily (except as aforesaid) throughout the Year; and there shall be paid to such Officers or any of them, or to any other Officer or Clerk of the Court whose Duties shall be increased by the Operation of this Act, such Sum by way of increased annual Salary as the Commissioners of Her Majesty's Treasury shall approve, on the Recommendation of the said Judges.

Arrangements to be made for constant Attendance, &c.

Power to appoint additional Clerks to assist in the Office, if necessary.

If the Lord Chancellor of *Ireland* shall now or at any Time hereafter consider it necessary or expedient, having regard to the Business of the Court, that additional Clerks should be appointed, it shall be lawful for the Judges, with the Consent of the said Commissioners, to appoint such additional Clerks to assist in carrying out this Act, and there shall be paid to such Clerks such Salaries as the Judges, with the Assent of the said Commissioners, shall appoint; and such Clerks shall be removeable by the joint Order of the said Judges, with the Sanction of the Lord Chancellor, and shall be subject to the same Regulations, and shall hold their Offices during Pleasure, and in other respects on the same Conditions, and shall be paid out of the same Funds, and in the same Manner, as the other Clerks of the Court; and all other Expenses of carrying out this Act shall be paid out of such Monies as shall be provided by Parliament.

Practice before the Judge, and Right of Appeal.

63. All Applications to the Judge under this Act shall be made in Chamber, and such Judge may direct any Matter before him to be argued in Court. Any Order or Decision or Direction of the Judge, excepting a Decision or Direction given under the Fortieth Section of this Act, shall be subject to the like Appeal to the Court of Chancery Appeal in *Ireland*, and thence to the House of Lords, as is provided by the said recited Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty.

64. A Place

Address of recorded Owners, &c. to be given for the Purpose of serving Notices.

64. A Place of Address in *Ireland* shall be entered in a Book to be kept for that Purpose in the Court for every Person whose Name is entered on the Record as Owner of Land or of a Charge, or as a Cautioner, or as entitled to receive any Notice; or any such Person may, at his Option, give from Time to Time the Name and Address of any Solicitor of the Court to act on his Behalf. Notices shall be deemed sufficiently served if sent through the Notice Office of the Court, or by registered Post Letter to such Address as aforesaid.

A Scale of Costs may be framed for professional Services in regard to recorded Land.

65. The Judges of the Court may frame a Scale of Costs to be paid to Solicitors or certificated Conveyancers in respect of any Service rendered by them in relation to any recorded Estate or Charge, or any Matter connected therewith. Such Scale shall be framed with regard to the Skill and Trouble involved and the Amount of Property affected, and not with regard to the Length of the Documents prepared. Such Scale shall be submitted to the Lord Chancellor of *Ireland*, and shall be approved of by him before it shall be binding, and with the like Approval it may be varied. Such Scale shall be acted on by all Persons having by Law or by Consent of Parties Authority to tax or moderate Costs.

Forms in Schedule to be used, but may be varied if necessary.

66. The Forms contained in the Schedule hereto may be used, but they may be modified or altered to suit the Circumstances of every Case, and Deeds made in such altered Forms shall be equally valid and effectual.

Return of Business done to be sent in annually by the Judges.

67. On the Second of *November* of each Year after this Act shall come into operation the Judges shall furnish to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* a Return to be laid before Parliament showing the Number of Estates recorded under the Act during the Year, distinguishing those which are brought in and recorded under the Fifty-first Section of this Act, and distinguishing Estates and Interests under Settlements separately recorded as aforesaid; and the Return shall also show the Amount of Fees received during the Year pursuant to this Act.

Judges to frame a Schedule of Fees.

68. The Judges of the Court shall, with the Consent of the Commissioners of Her Majesty's Treasury, frame a Schedule of Fees to be received by the recording Officer in respect of the following Matters, *viz.*:

1. Transfers, Transmissions, and other Dealings with recorded Estates and Charges, having regard to the Value of the Estates and the Amounts of the Charges:

2. Recording of Estates under the Fifty-first Section of this Act, having regard to the Value of such Estates:
3. Entry and Cancellation of Official Notes or Entries; Lodgment of Caveats, and of Deeds and other Documents; Issue of Certificates, and other Acts to be done by the recording Officer:

The Judges may, with the Consent of the said Commissioners, from Time to Time lower or raise such Fees, or any of them; all Fees shall be paid over so as to form Part of the Consolidated Fund of *Great Britain* and *Ireland;* the recording Officer may also charge any Sum actually payable, according to a Scale to be sanctioned by the Judges, to a Surveyor, Printer, or Scrivener, for Services or Work necessarily done in respect of any Map, Entry, Certificate, or Copy under this Act; except as aforesaid, no Fees or Sums shall be received by any Officer or Clerk of the Court in respect of Proceedings under this Act.

Rules with regard to the Collection of Fees.

69. The following Rules shall be observed with respect to the Collection of Fees:

1. All Fees payable shall be received by Stamps denoting the Amount of Fees payable, and not in Money:
2. When any Fee is payable in respect of a Document, a Stamp denoting the Amount of Fee shall be affixed to or impressed on such Document:
3. Whenever an adhesive Stamp shall be used to denote Payment of any Fee, such Stamp shall be effectually cancelled in such Manner as the recording Officer shall direct, so as to be incapable of being used again:
4. The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps.

Stamp Acts in force to apply to Stamps provided under this Act.

70. The several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be affixed or impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if such Provisions had been herein repeated and specially enacted with reference to the last-mentioned Stamps and Sums of Money respectively.

SCHEDULE.

No. 1.—Form of Transfer of recorded Land.

I *A.B.*, the recorded Owner of the under-mentioned Land, pursuant to the "Record of Title Act, Ireland, 1865," in consideration of £ Sterling paid to me by *C.D.* of &c., do grant to the said *C.D.* all [*insert Description of Land taken from or referring to the Record, and refer to Map (if any)*], to hold to him and his Heirs for ever [*or otherwise, according to the Nature of the Interest transferred*]. Dated this Day .

Signed and sealed at the Record of Title Office, Landed Estates Court, Ireland, in my Presence, *E.F.* of a Solicitor of the Court.

Signature,
(*Seal.*)

I hereby accept the above Transfer.

Signature,
Address,

No. 2.—Form of Charge.

I *A.B.*, the recorded Owner of the under-mentioned Land, pursuant to the "Record of Title Act, Ireland, 1865," in consideration of £ Sterling lent to me by *G.H.* of , do charge in favour of the said *G.H.* the Hereditaments described in the Schedule hereto with the Principal Sum of £ repayable on the Day of , together with Interest thereon at the Rate of per Cent. [reducible to if paid within a Month after due], and payable half-yearly, every and . Dated this Day of .

Witness, &c.,
as above.

Signature,
(*Seal.*)

I hereby accept the above Charge.

Signature and Address,

Schedule above referred to.

N.B.—This Form may be adapted to the Case of an Annuity charged on Land.

No. 3.—Form of Transfer of Charge.

I, the within-named *G.H.*, the recorded Owner of a Charge under the "Record of Title Act, Ireland, 1865," in consideration of £ Sterling paid to me by *J.K.* of , do transfer to the said *J.K.* the [within mentioned]

mentioned] Charge, on which £ now remains due [together with Interest from the last Gale Day of Interest].

Witness, &c., } *Signature,*
as above. } (*Seal.*)

I hereby accept the above Transfer.

Signature and Address,

No. 4.—Form of Power of Attorney to Transfer.

I *A.B.*, the recorded Owner of Land [*or* a Charge] pursuant to the "Record of Title Act, Ireland, 1865," do hereby appoint *L.M.* of &c., Solicitor, my Attorney, for the Purpose of [transferring to *S.T.* of &c., absolutely] all my Hereditaments, as entered and described in the Record of Title, under Folio [Tyrone, No. 129], and my Estate therein [*or* my Charge, *describing it*].

Signature,

Witness, &c.

(*Seal.*)

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1865.