ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

C A P. LXXXVI.

An Act for the Relief of Clerks to Attornies and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases.

[9th *August* 1844.]

WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting to His Majesty certain Stamp* 34 G. 3. c. 14. *Duties on Indentures of Clerkships to Solicitors and Attornies in any of the Courts in* England *therein mentioned*, it is enacted, that no Person who by any Contract in Writing made after the Days in the said Act respectively mentioned shall become bound to serve as a Clerk in order to his Admission as a Solicitor or an Attorney in any of the Courts therein mentioned shall be admitted to be a Solicitor or Attorney in any of the said Courts, unless the Indenture or other Writing containing such Contract, duly stamped, shall be enrolled or registered with the proper Officer to be appointed for that Purpose in the Court wherein such Person shall propose to be afterwards admitted a Solicitor or Attorney by virtue of his Service under such Contract, together with an Affidavit of the Time of the Execution of such

Contract by such Clerk; and in case such Indenture or other Writing shall not be enrolled or registered in such Court within Six Months next after the Execution thereof, together with such Affidavit, that then and in such Case the Service of such Clerk under such Indenture or Writing shall be deemed to commence from the Time of such Enrolment or Registry, and not from the Execution of such Indenture or Writing: And whereas by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in* England *and* Wales, it is enacted, that whenever any Person shall after the passing of the said last-mentioned Act be bound by Contract in Writing to serve as a Clerk to any Attorney or Solicitor, as therein mentioned, such Attorney or Solicitor shall within Six Months after the Date of every such Contract make and swear, or cause to be made and sworn, an Affidavit of such Attorney or Solicitor having been duly admitted, and also of the actual Execution of every such Contract, and containing such Particulars as are therein mentioned; and that every such Affidavit shall be filed within Six Months next after the Execution of the said Contract with the Officer therein mentioned, who shall thereupon enrol and register the said Contract, and shall make and sign a Memorandum of the Day of filing such Affidavit upon such Affidavit, and also upon such Contract; and it is thereby provided, that in case such last-mentioned Affidavit be not filed within such Six Months, the same may be filed after the Expiration thereof, but that the Service of such Clerk shall be reckoned to commence and be computed from the Day of filing such Affidavit, unless One of the Courts of Law or Equity shall otherwise order: And whereas many Persons who may have paid the proper Stamp Duties either before or within Six Months after the Execution of the Contracts in Writing entered into by them for the Purposes aforesaid have omitted to cause Affidavits to be made, and afterwards to be filed in the proper Office, of the Execution of such Contracts, as required by the said first-mentioned Act, and have also omitted to cause such Contracts, and the Indentures thereof, or the Assignment of any such Indentures, to be enrolled within the Time in which the same ought to have been done, whereby they have incurred certain Disabilities; for preventing whereof, and relieving such Persons, 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, That every Person who shall, either before or within Six Months after the Execution of such Contract or Indenture, have paid the proper Stamp Duty in that Behalf, and who at the Time of the passing of this Act shall have neglected or omitted, or who may, within Six Months after the Execution of any such Contract or Indenture executed before the passing of this Act, neglect or omit to cause any such Affidavit or Affidavits, as required by the said first-mentioned Act as aforesaid, to be made and filed, or such Contract or Indenture or Assignment to be enrolled, and who on or before the First Day of *Hilary* Term next shall cause such Contract or Indenture or Assignment to be enrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits, as required by the said first-mentioned Act, to be made, and afterwards to be filed, in such Manner as the same ought to have been made

6 & 7 Vict. c. 73.

Indemnity to Clerks who have neglected to enrol their Contracts.

made and filed in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Incapacities and Disabilities in or by any Act or Acts mentioned by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the said First Day of *Hilary* Term next, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought by the Laws now in being for that Purpose to have been made and filed.

Where Persons neglect to enrol their Contracts within the Time allowed, the Court may order the Service to commence from the Execution.

II. And whereas certain Persons who have become bound by Contracts as aforesaid, executed before the passing of this Act, may have enrolled the same after the Expiration of Six Months from the Date thereof, or may omit to enrol the same within the Time hereby provided; be it enacted, That it shall be lawful for any of Her Majesty's Superior Courts of Law or Equity at *Westminster*, in any Case where any such Contract executed before the passing of this Act shall not have been enrolled within Six Months from the Date thereof, or shall not be enrolled within the Time by this Act allowed, to order and direct, either before or after the Contract shall in any such Case have been enrolled, with the proper Affidavit by Law required, that the Service under such Contract shall be reckoned to commence and be computed from the Execution of such Contract, or from any subsequent Period prior to such Enrolment, as such Court may think fit; and the same shall be deemed to have so commenced accordingly, whether such Person shall at any Time afterwards apply to be admitted in the same or any other Court, any thing in the said first-mentioned Act, or any other Act to the contrary notwithstanding.

Provisions of 34 G. 3. c. 14. as to the Enrolment of Contracts repealed.

III. And whereas since the passing of the said Act of the Sixth and Seventh Years of Her present Majesty's Reign the aforesaid Provisions of the said Act of the Thirty-fourth Year of the Reign of King *George* the Third have become unnecessary, and it is expedient that the same should be repealed; be it therefore enacted, That so much of the said last-mentioned Act as relates to the Enrolment and registering of Indentures and other Writings containing any Contract whereby any Person shall become bound to serve as a Clerk in order to his Admission as a Solicitor or Attorney in any of the Courts in the said Act mentioned, together with such Affidavit as aforesaid, shall, in respect of all such Indentures or Writings made or executed after the passing of this Act, be and the same is hereby repealed: Provided always, that nothing herein contained shall be deemed or construed to repeal or alter any of the Provisions of the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty.

Neglect of Attornies, &c. in taking out their annual Certificates not to disqualify their Clerks.

IV. And whereas many Attornies, Solicitors, Notaries Public, and others, may have omitted or may hereafter omit to take out annual Certificates, or to enter or register the same in the proper Office, and Persons who may have served as Clerks to such Attornies, Solicitors, Notaries Public, and others, may by reason of such Omission have incurred or may hereafter incur certain Disabilities; for preventing whereof be it enacted, That no Person who now has or hereafter shall have regularly served any Attorney or Attornies, Notary Public or Notaries Public, for the Term of Years required by Law,

Law, shall be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public, by reason of any Omission of the Person or Persons whom he served for the same Term or any Part thereof having neglected or omitted to take out his annual Certificate, or to enter or register the same; provided such Person so having served is otherwise entitled to be so admitted as aforesaid by the Laws for the Time being in force relating thereto.

Act may be altered this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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