

ANNO NONO

GEORGII IV. REGIS.

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CAP. XXXV.

An Act to protect Purchasers for valuable Consideration in *Ireland* against Judgments not revived or re-docketted within a limited Time.

[27th *June* 1828.]

WHEREAS great Difficulties are frequently found to arise in making out Title to Freehold Property in *Ireland*, by reason not only of the Number of old outstanding Judgments in the respective Courts of King's Bench, Common Pleas, and Exchequer, in that Part of the United Kingdom, appearing unsatisfied on Record, though considerable Numbers of the same have been actually paid off and discharged, but also by reason that in many Cases the Defendants in Judgments entered in the said Courts are not sufficiently described, so as to identify the Persons against whom such Judgments have been actually recovered, to the great Impediment of the due Transfer of such Freehold Property, and to the great Disquiet of Purchasers for valuable Considerations; and it is expedient that a Remedy be provided for the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Judgments which shall, after the passing of this Act, be entered or recovered in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, in *Ireland*, shall, after the Expiration of Twenty Years from the Date of the Entry or Recovery thereof, be null and void as against Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*, unless the same be duly revived according to the Course and Practice of the said respective Courts, or re-docketted in manner herein-after directed, and the Revival or Re-docketting thereof entered in the Manner herein-after provided, within Twenty Years next before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to such Purchaser for valuable Consideration.

Judgments entered in the Courts in Ireland to be null and void unless re-docketted and entered within Twenty Years before the Execution of Conveyance of the Estate.

Judgments entered in the Courts within Twenty Years before the passing of this Act to be void, unless revived according to the Practice of the Courts, &c.

II. And be it further enacted, That all Judgments which shall have been entered or recovered in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, in *Ireland*, within Twenty Years next before the passing of this Act, shall, after the Expiration of Twenty Years from the Entry or Recovery thereof, be null and void as against Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*, unless the same be duly revived according to the Course and Practice of the said respective Courts, or re-docketted in manner herein-after directed, and the Revival or Re-docketting thereof be entered in the Manner herein-after mentioned, within Twenty Years next before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to such Purchaser for valuable Consideration, or within Five Years from the passing of this Act.

Judgments entered in the Courts 20 Years before the passing of this Act to be void unless Revival entered within Five Years from the passing of this Act.

III. And be it further enacted, That all Judgments which shall have been entered or recovered in His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, in *Ireland*, Twenty Years or upwards next before the passing of this Act, shall be null and void as against all Purchasers for valuable Consideration of any Lands, Tenements, or Hereditaments in *Ireland*, whether their Purchases shall have been made before or after the passing of this Act, unless the same shall be duly revived according to the Course and Practice of the said respective Courts, or re-docketted in manner herein-after directed, and the Revival or Re-docketting thereof be entered in the Manner herein-after mentioned, within Five Years from the passing of this Act.

Revivals of Judgments to be entered in a Book according to the Form in the Schedule.

IV. And be it further enacted, That when any Judgment shall be duly revived in any of the said Courts, according to the Course and Practice of the said Courts respectively, an Entry of such Revival shall, for the Purposes of this Act, be made in a Book to be kept for the Purpose by the proper Officer of each of the said Courts respectively, and which he is hereby directed and required to keep in the Manner and Form set forth in the Schedule to this Act annexed; and which Entry shall in all Cases be and be held to be Evidence of the due Revival of such Judgment, without producing the Judgment or Revivor thereof.

Affidavit to be made by the Attorney to the Party interested in any Judgment.

V. And be it further enacted, That in order to the Re-docketting for the Purposes of this Act of any Judgment entered or to be entered in any of the Courts aforesaid, an Affidavit shall be made by the Attorney employed by the Party or Parties legally or beneficially interested in said Judgment or some Part thereof, which Affidavit shall be in the Form or to the Effect set forth in the Schedule to this Act annexed, and shall be numbered by and filed with the proper Officer of the Court in which such Judgment is or shall be entered or recovered; and thereupon such Officer shall, on such Affidavit being presented to him, make or cause to be made an Entry in a Book to be kept for that Purpose, and which he is hereby directed and required to keep in Manner and according to the Form set forth in the Schedule to this Act annexed; and which Entry shall in all Cases be and be held to be Evidence of the due Re-

docketting of such Judgment within the Meaning and for the Purposes of this Act.

VI. And be it further enacted, That the Sum of Sixpence, and no more, shall be paid to the respective proper Officer of the said Courts for each such Entry so required to be made by him as aforesaid. Sum to be paid for each Entry.

VII. And be it further enacted and provided, That nothing in this Act contained shall extend, or be construed or deemed or taken to extend, to set up or give Validity to any Judgment or Judgments which by the Lapse of Twenty Years from the Entry or Recovery thereof, without any Payment or Satisfaction being made on account, or any Proceeding being taken for Recovery thereof, is, are, or shall be legally or equitably extinguished and barred under and by virtue of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the more effectual quieting and securing Possessions, and preventing vexatious Suits at Law;* and that the Re-docketting of any such Judgment or Judgments in manner aforesaid shall not be taken or deemed or construed as a Revival thereof, but solely as a Proceeding for the Purposes of this Act. This Act not to extend to give Validity to any Judgment legally barred by Act 8 G. 1. (I.)

VIII. And for the Purpose of furnishing the Means in all Cases hereafter to identify the Parties to all Judgments in the Courts aforesaid; be it further enacted, That from and after the passing of this Act the Attorney employed for the Purpose of entering or making up any Judgment in any of the said Courts shall, previous to the entering thereof, deliver to the Officer whose Duty it is to cause such Judgments to be entered, a Note in Writing, stating the Degree, Quality, Profession or Trade, and also the Places of Residence, of the several Parties thereto; and thereupon such Officer shall make an Entry of the said Particulars in the Margin of the Roll of the said Judgment. Attorney to give the Officer a Description of the Parties, and their Places of Residence.

IX. And be it further enacted, That no Officer shall be obliged to enter any Judgment on the Rolls of any of the said Courts, until such Note in Writing shall have been delivered to him as aforesaid; which Note he is hereby directed to file and keep; and if after having received the same, he shall neglect or refuse to enter the Particulars thereof in the Margin of the Roll of such Judgment, he shall forfeit and pay the Sum of Twenty Pounds to any Person suing for the same: Provided always, that no Neglect, Error, or Omission of any Officer of any of the said Courts, with respect to the entering, in the Margin of the Roll of any Judgment, of the Degree, Quality, Profession, Trade, or Place of Residence of any of the Parties to the said Judgment, shall in any Manner vitiate or affect the Validity of the same, or bind any Person except the Person against whom such Judgment was really obtained, and those deriving under him. Officer not to be obliged to enter any Judgment until such Description is given.

X. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any Manner to affect or prejudice any Judgment whatsoever as between the Parties thereto, their Representatives, or those deriving as Volunteers under them. Not to affect any Judgment between the Parties thereto.

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SCHEDULES.

Form of Affidavit referred to in this Act.

A. B. v. *C. D.*

A. B. of [*stating his registered Residence*], Attorney at Law, maketh Oath, and saith, That it appears by the Records of this Honourable Court that the above-named Plaintiff [*or* Plaintiffs] did in or as of Term, in the Year obtain a Judgment in this Honourable Court against the above-named Defendant [*or* Defendants] for the Sum of which Judgment is entered upon the Roll of the said Term and Year, and Number . And this Deponent further saith, That he hath been employed by [*or* on behalf of] *C. D.* whom he believes to be legally or beneficially entitled to or interested in the said Judgment, or some Part thereof, for the Purpose of re-docketting the same, pursuant to an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*].

Form of Revival Book referred to by this Act.

Date of Revival.	Defendant's Name and Addition.	Sum recovered, or Amount of Judgment.	Plaintiff's Name and Addition.	Year, Term, and Roll of Entry on Recovery.	Name of Party on whose Behalf revived.	Name and registered Residence of the Attorney to the Revival.

Form of Re-docketting Book referred to in this Act.

Date of re-docketting.	Number of Affidavit.	Defendant's Name and Addition.	Sum recovered, or Amount of Judgment.	Plaintiff's Name and Addition.	Year, Term, and Roll of Entry on Recovery.	Name of Party on whose Behalf re-docketted.	Name and registered Residence of Attorney re-docketting.

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