

CHAPTER 469

THE WARRANTS OF ATTORNEY ACT

Arrangement of Sections

Section

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SCHEDULE.

WARRANTS OF ATTORNEY

(1st June, 1875.)

2/1874.
S.R.O. 22/1956.

1. This Act may be cited as the Warrants of Attorney Act. **Short title.**

2. Every warrant of attorney to confess judgment in any personal action shall, within thirty days after the execution of such warrant of attorney, be filed, together with an affidavit of the time of the execution thereof, with the Registrar, and any warrant of attorney, not filed as **Warrant of Attorney to be filed within 30 days after execution.**

hereinbefore provided, shall be deemed fraudulent, and shall be void.

Cognovit actionem to be filed within 21 days after execution.

3. Every cognovit actionem given by any defendant in any personal action shall, together with an affidavit of the time of the execution thereof, be filed with the Registrar, in like manner as such warrants of attorney and affidavits, within the space of twenty-one days after such cognovit actionem shall have been executed, and any cognovit actionem not filed as hereinbefore provided shall be deemed fraudulent, and shall be void.

Defeasance or condition to be on same paper as cognovit or warrant.

4. If such warrant of attorney or cognovit shall be given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper or parchment, on which such warrant of attorney or cognovit actionem shall be written, before the time when the same shall be filed, otherwise such warrant of attorney or cognovit shall be null and void to all intents and purposes.

Duties of Registrar.

5. The Registrar shall cause every warrant of attorney and cognovit actionem, in any personal action, filed in his office to be numbered, and shall keep a book or books in his said office in which he shall cause to be fairly entered an alphabetical list of every such warrant of attorney or cognovit, containing therein the names, additions and descriptions of the respective defendants or persons giving such warrants of attorney or cognovits, and also the names, additions, and descriptions of the plaintiffs or persons in whose favour the same shall have been given, together with the number, and the dates of the execution and filing, of the same, and the sums for which judgment is to be entered up, and also the sums which are specified to be paid by the defeasances or conditions in each warrant of attorney or cognovit actionem, and the times when the same are thereby made payable, according to the form contained in the Schedule, which said book or books, and every warrant of attorney and cognovit actionem filed in the said office, shall be searched and viewed by all persons at all reasonable times, paying to the Registrar for every search against one person the sum of twenty-five cents and no more.

Schedule.

Fee to Registrar.

6. The Registrar shall be entitled to receive, for filing and entering such warrant of attorney or cognovit as aforesaid the sum of twenty-five cents.

7. Any person shall be entitled to have an office copy of each warrant of attorney or cognovit actionem filed as aforesaid, upon paying for the same at the like rate as for office copies of judgments.

Office copies of warrants or cognovits.

8. It shall be lawful for any of the Judges of the Court, in which such warrant of attorney or cognovit actionem is given, to order a memorandum of satisfaction to be written upon such warrant of attorney or cognovit actionem as aforesaid, if it shall appear to him that the debt, for which such warrant of attorney or cognovit actionem is given as a security, shall have been satisfied or discharged.

Judge may order satisfaction to be written upon warrant or cognovit.

9. (1) A warrant of attorney to confess judgment in any personal action, or cognovit actionem, given by any person, shall not be of any force unless there is present a solicitor of the Supreme Court on behalf of such person expressly named by him and attending at this request to inform him of the nature and effect of such warrant, or cognovit, before the same is executed, and such solicitor shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be the solicitor for the person executing the same and state that he subscribes as such solicitor.

Warrant or cognovit invalid unless executed in the presence of a solicitor on behalf of donor.

(2) A warrant of attorney to confess judgment, or cognovit actionem, not executed in manner aforesaid, shall not be rendered valid by proof that the person executing the same did in fact understand the nature and object thereof, and was fully informed of the same.

SCHEDULE

S. 5

| Name, &c., of the person giving the Warrant of Attorney or Cognovit. | Name, &c., of person by whom given. | Whether Warrant of Attorney or Cognovit, and Number. | Date of Execution. | Date of Filing. | Sum for which given. | Defeasance. |
|--|-------------------------------------|--|--------------------|-----------------|----------------------|-------------------------------------|
| A. B. of Planter. | C. D. of Merchant | Warrant of Attorney. No.1. | January. 19 | January. 19 | \$48,000 | To secure \$2,400 payable, &c., &c. |