

three pounds *per centum per annum*, and so many annuities as shall have been actually purchased upon this act, as aforesaid) shall be applied and appropriated, and the same are hereby appropriated to and for the repayment of the said loans in course, with such interest as aforesaid, unto such person or persons, natives or foreigners, bodies politick or corporate, who shall lend or advance the same, as aforesaid, his, her, or their executors, administrators, successors, or assigns respectively, without any fee or charge whatsoever, and shall not be diverted or be divertible to any other use or purpose whatsoever, under the like penalties and forfeitures as are by this act prescribed for diverting or misapplying any of the money that ought to be applied to the payment of the said annuities: and in case all the monies so to be borrowed, with the interest thereof, shall not be repaid by or before the five and twentieth day of *December*, one thousand seven hundred and six, then the remainder thereof shall be satisfied out of the next aids to be granted by parliament, after the same five and twentieth day of *December*, one thousand seven hundred and six.

Weekly pay-  
ments, &c.  
appropriated  
for repay-  
ment,

without fee.

Monies not re-  
paid by 25  
Dec. 1706.  
how satisfied.

#### C A P. IV.

*An act for the publick registering of all deeds, conveyances, and wills, that shall be made of any honors, manors, lands, tenements, or hereditaments, within the West Riding of the county of York, after the nine and twentieth day of September, one thousand seven hundred and four.*

**W**HEREAS the West riding of the county of York is the principal place in the North for the cloth manufacture, and most of the traders therein are freeholders, and have frequent occasions to borrow money upon their estates for managing their said trade, but for want of a register find it difficult to give security to the satisfaction of the money lenders (although the security they offer be really good) by means whereof the said trade is very much obstructed, and many families ruined: for the remedying whereof may it please your most excellent Majesty, at the humble request of the justices of the peace, gentlemen, and freeholders of the said *West riding*, that it may be enacted; and 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 a memorial of all deeds and conveyances, which from and after the nine and twentieth day of *September*, in the year of our Lord one thousand seven hundred and four, shall be made and executed, and of all wills and devises in writing made or to be made and published, where the devisor or testator shall die after the said nine and twentieth day of *September*, of or concerning, and whereby any honors, manors, lands, tenements, or hereditaments in the said *West riding*, may be any way affected in law or equity, may, at the election of the party or parties concerned, be registred in such manner as is herein

Farther provi-  
sions relating  
thereto by 5  
Annæ, c. 18.  
and 6 Annæ,  
c. 35. s. 34.

A memorial of  
all deeds and  
conveyances  
made after 29  
Sept. 1704. and  
of all wills,  
&c. made in  
the West rid-  
ing of York-  
shire,  
may be re-  
gistred.  
after

after directed ; and that every deed or conveyance that shall, at any time after any memorial is so registred, be made and executed of the honors, manors, lands, tenements, or hereditaments, or any part thereof, comprized or contained in any such memorial, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such memorial thereof shall be registred as by this act is directed, before the registering of the memorial of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim ; and that every devise by will of the honors, manors, lands, tenements, or hereditaments, or any part thereof, mentioned or contained in any memorial so registred, as aforesaid, that shall be made and published after the registering of such memorial, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless a memorial of such will be registred in such manner as is herein after directed.

Register's office to be kept at Wakefield.

II. And for settling and establishing a certain method, with proper rules and directions for registering such memorials, as aforesaid, be it further enacted by the authority aforesaid, That one publick office for registering such memorials of and concerning any honors, manors, lands, tenements and hereditaments, that are situate, lying, and being within the said *West riding*, shall be established and kept at *Wakefield*, the nearest market town to the center or middle of the said *West riding*, to be managed and executed by a fit and able person, to be from time to time elected and appointed in manner herein after directed, or his sufficient deputy, and to continue in the said office for so long time as he shall well demean himself therein.

Register to be elected by balloting. Manner of Election.

III. And be it enacted by the authority aforesaid, That all elections of a register to be made or appointed by virtue of this act, shall be performed by balloting in manner following (that is to say) all the freeholders that at the time of any such election have an estate of freehold, of or in any lands, tenements, or hereditaments within the said *West riding*, of the yearly value of one hundred pounds (to be determined by the oath of the elector, before the scrutators herein after-mentioned, if any doubt arise touching the same, which oath they are hereby impowered to administer) shall be electors of the said register ; and that the justices of the peace for the said *West riding*, in that behalf assembled, or the major part of them, or any five of such justices to be appointed by such major part, shall be scrutators of the ballot ; who shall meet on the day and place of election, and there, in the presence of the electors, shall place one or more glass vessels to be provided for that purpose, into which each elector present shall put one open paper, containing the name of such person as he approves of to be register : which papers shall be taken out again in the presence of the said scrutators, by a person by them in that behalf appointed ; and the name or names of every person therein shall be once transcribed in distinct columns, and under each name shall be set down the number

ber of their electors, which shall be deliberately cast up by the said scrutators, and the same shall be read over in the hearing, and fixt up in the view, of the electors then present; and the person upon whom the majority shall fall, shall be declared register.

IV. And be it enacted by the authority aforesaid, That the Time of election of a person to be the first register, shall be made at the next general quarter sessions of the peace to be holden for the said *West riding*, after the feast of *Easter*, in the said year of our Lord one thousand seven hundred and four, in open court, on the second day of the said sessions, between the hours of nine in the morning, and three in the afternoon.

V. And be it enacted by the authority aforesaid, That when and as often as the said office shall become vacant by the death, forfeiture, or surrender of any such register, the justices of the peace for the said *West riding*, assembled at the general quarter sessions of the peace, next after such vacancy shall happen, or the major part of them, shall in open court declare the said vacancy, and by order of the same sessions shall appoint and prefix a certain day and time, within the space of one calendar month, and above three weeks ensuing the end of such general quarter sessions, for the electors to assemble at *Wakefield* aforesaid, to choose a fit and able person, in the manner aforesaid, to supply the said vacancy: and to the intent that all persons qualified to be electors, may have due notice of such vacancy, and time of election of a succeeding register, the clerk of the peace for the time being for the said *West riding* shall forthwith cause copies of such order, for the prefixing the time of such election, to be delivered to the respective chief constables of the several wapentakes within the said *West riding*, who shall and are hereby required to publish the same in full market in every market town within their several wapentakes, on the next market day after the receipt thereof, and to affix the same in the most publick place of resort there.

VI. And be it enacted by the authority aforesaid, That upon the death of any such register, and until another election of a person to execute that office shall be made in manner aforesaid, the executors and administrators of the register deceased, together with the sureties for the said register, or their executors and administrators, shall appoint a proper person to execute the office of register, for whose demeanor in the execution of the said office the security given for such register deceased shall be answerable.

VII. And be it further enacted by the authority aforesaid, That all and every memorials, so to be entred or registred, shall be put into writing, in vellum or parchment, and directed to the register of the said office; and in case of deeds and conveyances, shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their guardians or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance;

Deeds and conveyances.

Wills.

What every memorial of any deed, conveyance, or will shall contain.

Register to indorse a certificate on every such deed, &c.

Memorials to be numbred.

Register to keep an alphabetical calendar.

Memorials to be filed and entred in order.

which witnesses shall, upon his oath before the said register, or his deputy, prove the signing and sealing of the said memorial, and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorials shall be under the hand and seal of some or one of the devisees, his or their guardians or trustees, attested by two witnesses, one whereof shall, upon his oath before the said register or his deputy, prove the signing and sealing of such memorial; which respective oaths the said register or his deputy is hereby impowered to administer.

VIII. And be it further enacted by the authority aforesaid, That every memorial of any deed, conveyance, or will, shall contain the day of the month, and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed or conveyance, and of the devisor, or testatrix of such will, and of all the witnesses to such deed, conveyance, or will, and the places of their abode, and shall express or mention the honors, manors, lands, tenements, and hereditaments, contained in such deed, conveyance, or will, and the names of all the parishes, townships, hamlets, precincts, or extraparochial places, within the said *West riding*, where any such honors, manors, lands, tenements, or hereditaments are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such deed, conveyance, or will, in such manner as the same are expressed or mentioned in such deed, conveyance, or will, or to the same effect; and that every such deed, conveyance, and will, or probate of the same, of which such memorial is so to be registred, as aforesaid, shall be produced to the said register or his deputy, at the time of entring such memorial, who shall indorse a certificate on every such deed, conveyance, and will, or probate thereof, and therein mention the certain day, hour, and time on which such memorial is so entred and registred, expressing also in what book, page, and number the same is entred, and that the said register, or his deputy, shall sign the said certificate when so indorsed; which certificates shall be taken and allowed as evidence of such respective registries in all courts of record whatsoever; and that every page of such register books, and every memorial that shall be entred therein, shall be numbred, and the day of the month, and the year, and hour, or time of the day, when every memorial is registred, shall be entred in the margins of the said register books, and of the said memorial; and that every such register shall keep an alphabetical calendar of all parishes, extraparochial places, and townships within the said *West riding*, with reference to the number of every memorial that concerns the honors, manors, lands, tenements, or hereditaments, in every such parish, extraparochial place, or township respectively, and of the names of the parties mentioned in such memorial; and that such register shall duly file every such memorial in order of time, as the same shall be brought to the said office, and enter or register the said memorials

rials in the same order that they shall respectively come to his hand.

IX. And be it further enacted, That every such register, before he enter upon the execution of the said office, shall be sworn before the justices of the peace for the said *riding*, or any three or more of them that shall be present at his election (who are hereby impowered and required to administer such oath) in these words :

**Y**OU shall truly and faithfully perform and execute the office and Register's duty that is directed and required by act of parliament, in registering memorials of deeds, conveyances, and wills, within the West riding of the county of York, so long as you shall continue in the said office ; and that you have not given nor promised, directly nor indirectly, nor authorized any person to give or promise any money, gratuity, or reward whatsoever, for procuring or obtaining the said office for you :

So help you G O D.

X. And that when and as often as the said register shall appoint any deputy to execute the said office, such deputy shall, before he enter upon the execution thereof, take the said oath appointed to be taken by the register, before two or more justices of the peace for the said *riding*, who are hereby impowered and required to administer such oath ; and that every register, at the time of his being sworn into the said office, shall also enter into a recognizance with two or more sufficient sureties, to be approved of by five or more of the justices of the peace of the said *riding* that were present at his said election, by writing under their hands and seals, to be registred at the next general quarter sessions of the peace for the said *riding*, of the penalty of two thousand pounds unto her Majesty, her heirs and successors, to be taken by the same justices of the peace that approved of his security, conditioned for his true and faithful performance of his duty in the execution of his said office : The same to be transmitted by the same justices of the peace, within one month next after the date thereof, into the office of her Majesty's remembrancer of the Exchequer, there to remain amongst the records of the said court.

XI. Provided nevertheless, and be it further enacted by the authority aforesaid, That when any register shall die, or surrender his office, and that within the space of three years, from and after such death or surrender, no misbehaviour appear to have been committed by such register, in the execution of his said office, then and in such case, at the end of the said three years after his death or surrender, the said recognizance, so entred into by him, shall become void and of no effect, to all intents and purposes whatsoever.

XII. And be it further enacted by the authority aforesaid, That every such register, or his sufficient deputy, shall give due attendance at his office every day in the week (except *Sundays* and

and holidays) between the hours of nine and twelve in the forenoon, and the hours of two and five in the afternoon, for the dispatch of all business belonging to the said office; and that every such register or his deputy, as often as required, shall make searches concerning all memorials that are registred, as aforesaid, and give certificates concerning the same under his hand, if required by any person.

Allowances  
for entring  
memorials,

and for certi-  
ficates.

Penalty on  
register, &c.

Treble da-  
mages.

Person nomi-  
nated on death  
of register to  
execute the  
office (while  
vacant) to  
take the same  
oath as regi-  
ster.

Treble da-  
mages.

Act not to ex-  
tend to copy-  
hold or lease-  
hold estates.

XIII. And be it further enacted by the authority aforesaid, That every such register shall be allowed for the entry of every such memorial, as is by this act directed, the sum of one shilling, and no more, in case the same do not exceed two hundred words; but if such memorial shall exceed two hundred words, then after the rate and proportion of six pence an hundred, for all the words contained in such memorial, over and above the first two hundred words: and the like fees for the like number of words, contained in every certificate or copy given out of the said office, and no more, and for every search in the said office one shilling, and no more.

XIV. And be it further enacted by the authority aforesaid, That if any such register or his deputy shall neglect to perform his or their duty in the execution of the said office, according to the rules and directions in this act mentioned, or commit, or suffer to be committed, any undue or fraudulent practice in the execution of the said office, and be thereof lawfully convicted, that then such register shall forfeit his said office, and pay treble damages with full costs of suit to every such person or persons as shall be injured thereby, to be recovered by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law shall be allowed, nor any more than one imparlance.

XV. And be it further enacted, That the person to be nominated, as aforesaid, upon the death of any register, to execute the said office, during the time the same shall be vacant, as aforesaid, shall, before he enter upon the execution thereof, take the oath herein before appointed to be taken by such register, and his deputy, before two or more justices of the peace for the said *riding* (who are hereby impowered to administer the same oath) and that if such person, so nominated, shall be lawfully convicted of any neglect, misdemeanor, or fraudulent practice in the execution of the said office, during such vacancy, he shall be liable to pay treble damages, with full costs of suit, to every person that shall be injured thereby, to be recovered as aforesaid.

XVI. Provided also, and be it further enacted, That this act shall not extend to any copyhold estates, or to any leases at a rack rent, or to any lease not exceeding one and twenty years, where the actual possession and occupation goeth along with the lease; any thing in this act contained to the contrary thereof in any wise notwithstanding.

XVII. Pro-

XVII. Provided always, and be it further enacted, That Manors, lands, where there are more writings than one, for making and perfecting any conveyance or security, which do name, mention, or any ways affect or concern the same honours, manors, lands, tenements, or hereditaments, it shall be a sufficient memorial, and register thereof if all the said honours, manors, lands, tenements, and hereditaments, and the parishes, townships, hamlets, or extraparochial places, where the same lie, be only once named or mentioned in the memorial, register, and certificate of any one of the deeds or writings, made for the perfecting of such conveyance or security; and that the dates of the rest of the said deeds or writings, relating to the said conveyance or security, with the names and additions of the parties and witnesses, and the places of their abodes, be only set down in the memorials, registers, and certificates of the same, with a reference to the deed or writing whereof the memorial is so registered, that contains or expresses the parcels mentioned in all the said deeds, and directions how to find the registering the same.

XVIII. And be it further enacted by the authority aforesaid, That a memorial of such deeds, conveyances, and wills, as shall be made and executed or published in *London*, or in any other place not within forty miles of the said *West riding*, which do or may concern or affect any honours, manors, lands, tenements, or hereditaments in the said *West riding*, shall be entered or registered by the aforesaid register or his deputy, in case an affidavit sworn before any one of the judges at *Westminster*, or a master in *Chancery*, be brought with the said memorial to the said register or his deputy, wherein one of the witnesses to the execution of such deeds and conveyances shall swear he or she saw the same executed, and the memorial signed and sealed as aforesaid, or wherein one of the witnesses to the memorial of any will shall swear he or she saw such memorial signed and sealed as aforesaid; and the same shall be a sufficient authority to the said register, or his deputy, to give the party that brings such memorial and affidavit, a certificate of the registering such memorial; which certificate, signed by the said register or his deputy, shall be taken and allowed as evidence of the registries of the same memorials in all courts of record whatsoever; any thing in this act to the contrary thereof contained in any wise notwithstanding.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any such memorial or certificate as are herein before mentioned and directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties as in and by an act of parliament made in the fifth year of the reign of Queen *Elizabeth*, intituled, *An act against forgers of false deeds and writings*, are imposed upon persons for forging or publishing of false deeds, charters, or writings sealed, court rolls, or wills, whereby the freehold or inheritance of any person or persons of, in, or to any lands, tenements, or

Penalty on person for swearing himself.

hereditaments, shall or may be molested, troubled, or charged; and that if any person or persons shall at any time forswear himself before the said register, or his deputy, or before any judge or master in Chancery, in any of the cases aforesaid, and be thereof lawfully convicted, such person or persons shall incur and be liable to the same penalties, as if the same oath had been made in any of the courts of record at *Westminster*.

Memorials of wills entred in 6 months after death of devisor, dying in England, &c. or in 3 years after death of devisor dying beyond sea, to be valid.

XX. Provided always, and it is hereby enacted, That all memorials of wills that shall be registred in manner as aforesaid, within the space of six months after the death of every respective devisor or testatrix, dying within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, or within the space of three years after the death of every respective devisor or testatrix, dying upon or in any parts beyond the seas, shall be as valid and effectual against subsequent purchasers, as if the same had been registred immediately after the death of such respective devisor or testatrix; any thing herein contained to the contrary thereof in any wise notwithstanding.

Proviso in case of wills contested.

XXI. Provided always, that in case the devisee, or person or persons interested in the honours, manors, lands, tenements, or hereditaments, devised by any such will, as aforesaid, by reason of the contesting such will, or other inevitable difficulty, without his, her, or their wilful neglect or default, shall be disabled to exhibit a memorial for the registry thereof, within the respective times herein before limited, then and in such case the registry of the memorial, within the space of six months next after his, her, or their attainment of such will, or a probate thereof, or removal of the impediment, whereby he, she, or they are disabled or hindered to exhibit such memorial, shall be a sufficient registry within the meaning of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

No member of parliament to be chosen register; or register to be chosen a member of parliament.

XXII. And be it further enacted by the authority aforesaid, That no member of parliament, for the time being, shall be capable of being chosen register, or of executing, by himself or any other person, the said office, or have, take, or receive any fee or other profit whatsoever, for or in respect thereof; nor shall any register, or his deputy, for the time being, be capable of being chosen a member to serve in parliament.

Publick act.

XXIII. And be it further enacted, That this act shall be taken and allowed in all courts within this kingdom as a publick act; and all judges and justices are hereby required as such to take notice thereof, without special pleading the same.