

II. Provided nevertheless, and be it further enacted by the authority aforesaid, That if any person or persons, whose claim is intended to be hereby limited, shall be a feme-covert, or within the age of one and twenty years, *non compos mentis*, or in prison, That then such person or persons shall commence and prosecute his, her or their respective claim, as aforesaid, within two years next and immediately after he, she or they shall be of full age, discov'ert or sane memory, or at large, as other persons having no such impediment are hereby limited to do; and in default or neglect thereof shall be for ever barred of any such claim, as aforesaid.

Provido if claimant be a feme covert, under age, or *non compos*, &c.

III. And be it further enacted by the authority aforesaid, That this present act shall be accepted, taken, deemed and reputed to be, as is hereby declared to be a publick act of parliament; of which all and every judge and judges of this kingdom, and the kingdom of *Ireland*, and other persons, are to take notice on all occasions whatsoever.

Act to be a publick act.

IV. Provided nevertheless, That nothing in this present act shall extend, or be construed to extend to prejudice the right, title, or interest of any person or persons that are in actual possession of any messuages, lands, tenements, hereditaments, or other estates or interests that were sold by the said trustees.

Not to prejudice right of persons in actual possession, &c.

C A P. XXXV.

An act for the publick registering of all deeds, conveyances, wills, and other incumbrances that shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments within the East Riding of the county of York, or the town and county of the town of Kingston upon Hull, after the nine and twentieth day of September, one thousand seven hundred and eight, and for the rendring the register in the West Riding more complete.

I. **W**HEREAS the lands in the East Riding of the county of York, and in the town and county of the town of Kingston upon Hull are generally freehold, which may be so secretly transferred or conveyed from one person to another, that such as are ill disposed have it in their power to commit frauds, and frequently do so, by means whereof several persons (who through many years industry in their trades and employments, and by great frugality have been enabled to purchase lands, or to lend monies on land security) have been undone in their purchases and mortgages, by prior and secret conveyances, and fraudulent incumbrances, and not only themselves, but their whole families thereby utterly ruined: for remedy whereof, may it please your most excellent Majesty (at the humble request of the justices of the peace, gentlemen, and freeholders of the said *East Riding*, and of the said town and county of the town of *Kingston upon Hull*, 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 au-

Conveyances
and wills
whereby
lands, &c. in
the East Rid-
ing of York-
shire or Hull
may be af-
fected, to be
registred.
Deed not so
registred void.
7 An. c. 20.
Abr. Eq. 357,
358.
Wrightson v.
Hanton 13
Feb. 1717. at
the Rolls.

Method esta-
blished for re-
gistring such
memorials.

Register office
to be at Be-
verly.

Register to be
electd by bal-
loting.

thority 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 eight, shall be made and executed, and of all wills and devises in writing made, or to be made and published, where the devisor or testatrix 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 *East Riding*, or in the said town and county of the town of *Kingston upon Hull*, may be any way affected in law or equity, may be registered in such manner as is herein after directed; and that every such deed or conveyance that shall, at any time after the said nine and twentieth day of *September*, be made and executed, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such memorial thereof 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 such devise by will 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.

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 *East Riding*, or the said town and county of the town of *Kingston upon Hull*, shall (at the publick charge of the said *East Riding*, to be raised by the justices of the peace thereof at their general quarter sessions of the peace, in such manner as they are empowered to raise money for the repairs of publick or county bridges) be erected and established at *Beverly*, the nearest market town to the center or middle of the said *East 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.

III. And be it further 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 *East Riding*, and the said town and county of the town of *Kingston upon Hull*, or in either of them, 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 empowered to administer) shall be electors of the said register; and that the justices of the
peace

peace for the said *East 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 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 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 further enacted by the authority aforesaid, ^{Time of election.} That the election of a person to be the first register shall be made at *Beverly* aforesaid, upon the thirteenth day of *July*, in the said year of our Lord one thousand seven hundred and eight, in open court, between the hours of nine in the morning and three in the afternoon.

V. And be it further enacted by the authority aforesaid, ^{On death of register a new one to be elected.} 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 *East 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 *Beverly* 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 *East 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 *East Riding*, who shall and are hereby required to publish the same in full market in every market town within their respective 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 further enacted, ^{Who shall be sworn.} 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 :

Register's
oath.

YOU shall truly and faithfully perform and execute the office and duty that is directed and required by you to be done by act of parliament, intituled, An act for the publick registering of all deeds, conveyances, wills, and other incumbrances that shall be made of, or that may affect any honours, manors, lands, tenements, or hereditaments within the *East Riding* of the county of *York*, or the town and county of the town of *Kingston upon Hull*, after the nine and twentieth day of *September*, one thousand seven hundred and eight; and that you have not given or promised directly or 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.

Register's de-
puty to take
said oath.

VII. 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 said register, before two or more of the justices of the peace for the said riding, who are hereby impowered and required to administer such oath.

Executors of
deceased re-
gister to exe-
cute office,
until a new
one be elected.

VIII. And be it further enacted, That upon the death of any such register, and until another election of a fit 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.

And take the
oath prescrib-
ed.

IX. And be it further enacted, That the person to be appointed, 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 appointed 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 is herein after directed.

Penalty on
neglect.

All memo-
rials to be re-
gistered in vel-
lum or parch-
ment.

X. And be it further enacted by the authority aforesaid, That all and every memorials so to be entred and registred, shall be put into writing in vellum or parchment, and brought to 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 heirs, executors, or administrators, guardians, or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance; which witness shall upon his oath, before the said register, or his deputy, prove the signing and sealing of such

such memorial, and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors, or administrators, 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 empowered to administer.

XI. And be it further enacted, 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 *east riding*, and the said town and county of the town of *Kingston upon Hull*, or either of them, 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, and 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 entering 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 or 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 margents 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 *East riding*, and the said town and county of the town of *Kingston upon Hull*, 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, in the same order that they shall respectively come to his hand.

What every memorial shall contain.

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

And keep an alphabetical calendar of parishes, &c.

And file every memorial in order of time.

XII. And

Memorials,
&c. made in
London, or not
within 40
miles of East
riding, may
be entred on
affidavit.

XII. 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 *East riding*, which do or may concern or affect any honors, manors, lands, tenements, or hereditaments in the said *East riding*, or the said town and county of the town of *Kingston upon Hull*, shall be entred or registred by the aforesaid register or his deputy, in case an affidavit sworn before one of the judges at *Westminster*, or a master in *Chancery*, ordinary or extraordinary, 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.

In case of more
writings than
one, which
concern the
same lands,
&c.

Memorial suf-
ficient, if
lands, &c.
are only once
named there-
in.

XIII. Provided always, and be it enacted, That 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 honors manors, lands, tenements, or hereditaments, it shall be a sufficient memorial and register thereof, if all the said honors, manors, lands, tenements, and hereditaments, and the parishes, townships, hamlets, or extraparochial places, wherein 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 registred, that contains or expresses the parcels mentioned in all the said deeds, and directions how to find the registering the same.

Memorials of
wills registred
within six
months after
death of de-
visor, &c. va-
lid.

XIV. Provided also, 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 *Great Britain*, 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.

XV. Pro-

XV. Provided always, That in case the devisee, or person or persons interested in the honors, 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, and that a memorial shall be entred in the said office of such contest or other impediment, within the space of six months after the decease of such devifor or testatrix, who shall die within the kingdom of *Great Britain*, or within the space of three years next after the decease of such person who shall die upon or beyond the seas, then and in such case the registry of the memorial of such will, 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 hindred 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.

XVI. *And whereas by an act of parliament made in the twenty seventh year of the reign of King Henry the Eighth, intituled, For inrollments of bargains and sales, it is enacted, That no manors, lands, tenements, or other hereditaments, shall pass, alter, or change from one to another, whereby any estate of inheritance or freehold shall be made or take effect in any person or persons, or any use thereof to be made, by reason only of any bargain and sale thereof, except the said bargain and sale be made by writing indented, sealed, and enrolled in one of the King's courts of record at Westminster, or else within the same county or counties where the same manors, lands, tenements, or hereditaments so bargained and sold, lye or be, before the Custos Rotulorum, and two justices of the peace, and the clerk of the peace of the said county or counties, or two of them at the least, whereof the clerk of the peace to be one; which act hath been found by experience to be of little or no use within the said East riding, or the said town and county of the town of Kingston upon Hull, for that the clerks of the peace thereof respectively for the time being, who have the keeping of the said inrollments within the said respective places, are not by the said act enjoyned to give any security for the safe keeping, nor under any penalty for the negligent keeping of the said inrollments, nor is there by the said act any certain place appointed for keeping thereof; and whereas by this present act a publick office is intended to be erected and established at Beverly aforesaid, at the publick charge of the said East riding, for registering and safe keeping memorials of all deeds, conveyances, and wills, as aforesaid, and a publick register to be chosen, who, according to the directions herein after mentioned, is to give sufficient security for the due execution of the said office: for rendring therefore the said act made in the twenty seventh year of the reign of King Henry the Eighth more effectual and beneficial to the inhabitants of the said East riding, and of the town and county of the town of Kingston upon Hull, be it further enacted by the authority aforesaid, That from and after the said nine and twentieth*

Proviso in case
of wills con-
tested.

27 H. 8. c. 16.

27 H. 8. c. 16.

After 29 Sept. 1708. all bargains and sales of lands, &c. inrolled at Beverly, to be as effectual as if inrolled at Westminster, &c.

twentieth day of *September*, in the year of our Lord one thousand seven hundred and eight, all bargains and sales of any manors, lands, tenements, and hereditaments, situate, lying and being within the said *East riding*, or the said town and county of the town of *Kingston upon Hull*, which shall be inrolled by the said register, or his deputy for the time being, in the said publick office at *Beverly*, shall be as good, effectual, and available, to all intents and purposes whatsoever, as if the same had been inrolled in one of the Queen's courts of record at *Westminster*, or before the *Custos Rotulorum* and two justices of the peace and the clerk of the peace of the said *East riding*, or of the said town and county of the town of *Kingston upon Hull*, or two of them, according to the aforesaid act made in the twenty seventh year of the reign of King *Henry the Eighth*, or any other act now in force: and one or more justice or justices of the peace of the said riding for the time being shall have power to take and enter the acknowledgment of the bargainor, if but one, or of one of the bargainors if more, in such bargains and sales; and the said register, or his deputy for the time being, shall well and sufficiently inroll, by ingrossing in parchment books, all such bargains and sales as shall for that purpose be acknowledged as aforesaid, and shall indorse a certificate on such bargains and sales of the times of inrolling thereof, and sign the same, and the books thereof shall safely keep in the said publick office, there to remain upon record amongst the memorials of deeds there registred.

Deeds so inrolled to be sufficient evidence.

XVII. And be it further enacted, That all deeds of bargain and sale so inrolled in the said publick or register office, as aforesaid, which shall appear to be so inrolled by an indorsement or certificate on the said deeds of bargain and sale, signed by the said register, or his deputy, and that all copies of the inrollments thereof remaining on record in the said register office, shall be allowed in all courts where such bargains and sales, or copies shall be produced, to be as good and sufficient evidence as any bargains and sales inrolled in any of the courts at *Westminster*, and the copies of the inrollments thereof.

Every such inrollment to be deemed the entring a memorial thereof.

XVIII. And be it further enacted, That every such inrollment of every such deed in the said register office, as aforesaid, shall be deemed and adjudged to be the entring a memorial thereof pursuant to this act, and shall have the same force and effect upon the estate therein mentioned, in relation to all subsequent deeds, conveyances, and wills, and to all other intents and purposes, as if a memorial of such inrolled deed had been entred in the said register office, as aforesaid, pursuant to this act.

No judgment, statute, &c. after 29 Sept. 1708. shall affect any lands, &c. in *East riding*, or *Hull*, but only from the time

XIX. And be it further enacted by the authority aforesaid, That no judgment, statute, or recognizance (other than such as shall be entred into in the name and upon the proper account of her Majesty, her heirs and successors) which shall be obtained, or entred into after the said nine and twentieth day of *September*, in the said year of our Lord one thousand seven hundred and eight, shall affect or bind any honors, manors, lands, tenements,

ments, or hereditaments, situate, lying, and being in the said *East riding*, or in the said town and county of the town of *Kingston upon Hull*, but only from the time that a memorial of such judgment, statute, or recognizance shall be entred at the said register office, expressing and containing, in case of such judgment, the names of the plaintiffs, and the names and additions therein of the defendants, the sums thereby recovered, and the time of the signing thereof; and in case of statutes and recognizances, expressing and containing the date of such statute or recognizance, the names and additions of the cognizers and cognizees therein, and for what sums, and before whom the same were acknowledged; and that in order to the making an entry of such memorials of judgments, statutes, and recognizances, as aforesaid, the party and parties desiring the same, shall produce to, and leave with the said register, or his deputy, to be filed in the said publick or register office, a memorial of such judgment, statute, or recognizance, signed by the proper officer or his deputy who shall sign such judgment, or his successor in the same office, or by the proper officer in whose office such statute or recognizance shall be inrolled, together with an affidavit, sworn before one of the judges at *Westminster*, or a master in *Chancery*, That such memorial was duly signed by the officer, whose name shall appear to be thereunto set, which memorial such respective officer is hereby required to give such plaintiff or plaintiffs, cognizee or cognizees, or his, her, or their executors or administrators, or attorney, or any of them, he, she, or they paying for the same the sum of one shilling, and no more.

that a memorial thereof be entred, &c.

XX. And be it further enacted, That the said register or his deputy shall make an entry, and likewise (if required) shall give a certificate in writing, under his hand, testified by two credible witnesses, of every such memorial of any judgment, statute, or recognizance brought to him to be so registred, as aforesaid, and therein mention the certain day on which such memorial is so registred or entred, expressing also in what book, page, and number the same is entred.

Register to enter every such memorial, and give a certificate, &c.

XXI. And be it further enacted, 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 such bargain and sale, as aforesaid, and 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.

Fees for entries of memorials.

XXII. 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 holy-days) between the hours of nine and twelve in the forenoon, and the hours of two and five in the afternoon, for the

Times of attendance at the office.

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) testified by two credible witnesses.

Register to enter into a recognizance of 2000 l. for the true execution of his office.

XXIII. And be it further enacted by the authority aforesaid, That every register at the time of his being sworn into the said office, as aforesaid, shall 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 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, in all things directed and required by this act, 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.

Penalty in case of neglect of duty.

XXIV. And be it further enacted, 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, 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.

On death or surrender, if no misbehaviour appear recognizance to be void.

XXV. 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 entered into by him shall become void and of none effect, to all intents and purposes whatsoever.

Penalty on forging or counterfeiting entry.

XXVI. And be it further enacted, That if any person or persons shall at any time forge or counterfeit any entry of the acknowledgment of any bargain in any such bargain and sale, as aforesaid, or any such memorial, certificate, or indorsement, as is herein mentioned or 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 made in the fifth year of Queen *Elizabeth*, intituled, *An act against forgers of false deeds*

5 Eliz. c. 14.

and writings, are imposed upon persons for forging and 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 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 herein mentioned, 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*.

And on persons forswearing themselves.

XXVII. And be it further enacted by the authority aforesaid, That in case of mortgages, judgments, statutes, and recognizances, whereof memorials shall be entred in the said register office, pursuant to this act, if at any time afterwards a certificate shall be brought to the said register, or his deputy, signed by the respective mortgagors and mortgagees in such mortgage, plaintiffs and defendants in such judgment, cognizor and cognizees in such statute or recognizance, their respective executors, administrators, or assigns, and attested by two witnesses, whereby it shall appear that all monies due upon such mortgage, judgment, statute, or recognizance respectively, have been paid or satisfied in discharge thereof, which witnesses shall, upon their oath before the said register, or his deputy (who are hereby respectively empowered to administer such oath) prove such monies to be satisfied or paid accordingly, and that they saw such certificate signed by the said mortgagors and mortgagees, plaintiffs and defendants, cognizors and cognizees respectively, their respective executors, administrators, or assigns, that then and in every such case, the said register, or his deputy, shall make an entry in the margins of the said register books against the registry of the memorial of such mortgage, judgment, statute, or recognizance respectively, that such mortgage, judgment, statute, or recognizance respectively was satisfied and discharged according to such certificate, to which the same entry shall refer; and shall after file such certificate to remain upon record in the said register office.

Mortgages, judgments, &c. whereof memorials are entred, and afterwards monies due thereupon paid, register may make an entry in the margin that such mortgage, &c. is discharged.

XXVIII. Provided nevertheless, and be it enacted, That if any judgment, statute, or recognizance be registred in the said register office, within thirty days after the acknowledgment or signing thereof, all the lands that the defendants or cognizors had at the time of such acknowledgment or signing, shall be bound thereby.

Provido if judgment, &c. be registred within 30 days after signing..

XXIX. Provided always, 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.

Not to extend to copyhold estates, &c.

XXX. And be it further enacted by the authority aforesaid, That in all deeds of bargain and sale hereafter inrolled in pursuance

How deeds of bargain and sale of fee-simple estates shall be construed and adjudged.

ance of this act, whereby any estate of inheritance in fee-simple is limited to the bargainee and his heirs, the words *grant, bargain, and sell* shall amount to, and be construed and adjudged in all courts of judicature, to be express covenants to the bargainee, his heirs and assigns, from the bargainer for himself, his heirs, executors, and administrators, that the bargainer notwithstanding any act done by him, was at the time of the execution of such deed seized of the hereditaments and premisses thereby granted, bargained, and sold, of an indefeazible estate in fee-simple, free from all incumbrances (rents and services due to the lord of the fee only excepted) and for quiet enjoyment thereof against the bargainer, his heirs and assigns, and all claiming under him, and also for further assurance thereof to be made by the bargainer, his heirs and assigns, and all claiming under him; unless the same shall be restrained and limited by express particular words contained in such deed; and that the bargainee, his heirs, executors, administrators, and assigns respectively, shall and may, in any action to be brought, assign a breach or breaches thereupon, as they might do in case such covenants were expressly inserted in such bargain and sale.

Every leaf of the register books to be signed by two justices.

XXXI. And be it further enacted, That every leaf of the aforesaid register books and inrolment books shall be signed by two justices of the peace of the said riding (to be from time to time appointed by the justices of the peace thereof, or the major part of them, at their general quarter sessions of the peace assembled) who are hereby required to sign the same accordingly; and that an entry thereof shall be made from time to time by the clerk of the peace of the said riding for the time being, in the order book of the said sessions, and signed by the same justices of the peace that shall from time to time sign the said register books and inrolment books, to remain upon record amongst the records of the said sessions; and that a like entry shall be made upon record, and signed, as aforesaid, of the number of the same books, and how called or marked, and how many pages each of them contains, that are at any time, and from time to time, used in the said register office.

No member of parliament to be register.

XXXII. And be it enacted by the authority aforesaid, That no member of parliament for the time being shall be capable of being chose 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 chose a member to serve in parliament.

Act to be a publick act.

XXXIII. 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, justices, and other persons therein concerned, are hereby required as such to take notice thereof, without special pleading the same.

2 & 3 Annæ, c. 4.

XXXIV. *And whereas an act of parliament made in the fourth year of her present Majesty's reign, intituled, An act for the publick registering of all deeds, conveyances, and wills that shall be made*

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; and also one other act made in the fifth year of her present Majesty's reign, intituled, An act for inrolments of bargains and sales within the west riding of the county of York, in the register office there lately provided, and for making the said register more effectual, were of very good design, but have been found by experience to be defective in several particulars, for which apt remedy is provided by the method of this act, in and for the said east riding of the county of York, and the town and county of the town of Kingston upon Hull; be it therefore enacted by the authority aforesaid, That from and after the said nine and twentieth day of September, one thousand seven hundred and eight, all and every the provisions, clauses, articles, matters and things in this present act contained, concerning the said east riding, and the town and county of the town of Kingston upon Hull, and not provided for or contained in the said recited acts, or either of them, shall extend unto, and affect all honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said west riding (the mortgage or purchase whereof shall exceed the sum of fifty pounds) as effectually as if the same and every of them were respectively inserted and contained in the said recited acts, and that from and after the said nine and twentieth day of September, one thousand seven hundred and eight, all and every person and persons in the execution of the said recited acts respectively within the said west riding, shall conform unto, and duly observe the alterations, additional provisions, orders, rules, and directions of this present act, as to the honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said west riding, and every matter and thing relating thereunto, in like manner as is by this act required and enjoined to be done within the said east riding, as to the honors, manors, lands, tenements, and hereditaments, situate, lying, and being within the said east riding, and town and county of the town of Kingston upon Hull, or any matter or thing relating thereunto; any thing in the said recited acts, or either of them, to the contrary thereof contained in any wise notwithstanding.

5 Ann. c. 18.
From 29 Sept. 1708, all the provisions, clauses, &c. in this act, and not contained in the above recited acts, to affect all honors, manors, &c. within the west riding, as if the same were inserted in the said acts.

C A P. XXXVI.

An act for raising the militia of this kingdom, for the year one thousand seven hundred and eight, although the month's pay formerly advanced be not repaid. **EXP.**

C A P. XXXVII.

An act for the encouragement of the trade to America.

L FOR advancement of the trade of her Majesty's kingdom of Great Britain, to and in the several parts of America, for the further encouragement of her Majesty's ships, and private ships of war, the annoying and diminishing the wealth and power