ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

C A P. LXXIX.

An Act for the better Regulation of Publick Notaries in *England*. [27th *June* 1801.]

Preamble.

WHEREAS it is expedient, for the better Prevention of illiterate and inexperienced Perſons being created to act as, or admitted to the Faculty of Publick Notaries, that the ſaid Faculty ſhould be regulated in *England*; 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, from and after the Firſt Day of *Auguſt* One thouſand eight hundred and one, no Perſon in *England* ſhall be created to act as a Publick Notary, or uſe and exerciſe the Office of a Notary, or do any Notarial Act, unleſs ſuch Perſon ſhall have been duly ſworn, admitted, and inrolled, in Manner herein-after directed, in the Court wherein Notaries have been accuſtomarily ſworn, admitted, and inrolled.

From *Aug.* 1, 1801, no Perſon in *England* ſhall act as a Publick Notary, unleſs duly admitted.

II. And be it further enacted, That, from and after the ſaid Firſt Day of *Auguſt* One thouſand eight hundred and one, no Perſon ſhall be ſworn, admitted, and inrolled, as a Publick Notary, unleſs ſuch Perſon ſhall have been bound, by Contract in Writing or by Indenture of Apprentice-

No Perſon ſhall be admitted as a Notary unleſs he ſhall have ſerved as an Apprentice

for Seven Years; and if bound after *Aug.* 1, 1801, unleſs Affidavit of certain Particulars be made, which ſhall be inrolled in the proper Court.

ſhip, to ſerve as a Clerk or Apprentice, for and during the Space of not leſs than Seven Years, to a Publick Notary, or a Perſon uſing the Art and Myſtery of a Scrivener (according to the Privilege and Cuſtom of the City of *London*, ſuch Scrivener being alſo a Publick Notary), duly ſworn, admitted, and inrolled, and that ſuch Perſon, for and during the ſaid Term of Seven Years, ſhall have continued in ſuch Service; and alſo unleſs every ſuch Perſon who ſhall, from and after the ſaid Firſt Day of *Auguſt*, be bound by Contract in Writing or Indenture of Apprenticeſhip, to ſerve as a Clerk or Apprentice to any Publick Notary or Scrivener, being alſo a Publick Notary, ſhall, within Three Months next after the Date of every ſuch Contract or Indenture of Apprenticeſhip, cauſe an Affidavit to be made and duly ſworn by One of the ſubſcribing Witneſſes, of the actual Execution of every ſuch Contract or Indenture of Apprenticeſhip by ſuch Publick Notary, or Scrivener (being alſo a Publick Notary), and the Perſon ſo to be bound to ſerve as a Clerk or Apprentice as aforeſaid; and in every ſuch Affidavit ſhall be ſpecified the Names of every ſuch Publick Notary or Scrivener (being a Publick Notary), and of every ſuch Perſon ſo bound, and their Places of Abode reſpectively, together with the Day of the Date of ſuch Contract or Indenture of Apprenticeſhip; and every ſuch Affidavit ſhall be ſworn and filed within the Time aforeſaid, in the Court where the Publick Notary, to whom every ſuch Perſon reſpectively ſhall be bound as aforeſaid, ſhall have been inrolled as a Notary, with the proper Officer or Officers, or his or their reſpective Deputy or Deputies, who ſhall make or ſign a Memorandum of the Day of filing every ſuch Affidavit on the Back or at the Bottom of ſuch Contract or Indenture.

No Perſon bound after *Aug.* 1, 1801, ſhall be admitted in the Court of Faculties before ſuch Affidavit ſhall be openly read in Court.

III. And be it further enacted, That no Perſon who ſhall, after the ſaid Firſt Day of *Auguſt* become bound as aforeſaid, ſhall be admitted or inrolled a Publick Notary in the Court of Faculties for admitting and inrolling Publick Notaries, before ſuch Affidavit ſhall be produced and openly read in ſuch Court, at the Time of ſuch Perſon's Admiſſion and Inrolment.

Officers for taking and filing Affidavits.

IV. And be it further enacted, That the following Perſons ſhall be deemed and taken to be the proper Officers for taking and filing ſuch Affidavits; (that is to ſay), the Maſter of Faculties of his Grace the Lord Archbiſhop of *Canterbury* in *London*, his Surrogate or Commiſſioners.

Officer filing Affidavits to enter the Subſtance in a Book, for which he may take 5*s*.

V. And be it further enacted, That the Officer filing ſuch Affidavits as aforeſaid, ſhall keep a Book, wherein ſhall be entered the Subſtance of ſuch Affidavit, ſpecifying the Names and Places of Abode of every ſuch Publick Notary, and Clerk or Perſon bound as aforeſaid, and of the Perſon making ſuch Affidavit, with the Date of the Contract or Indenture of Apprenticeſhip in ſuch Affidavit to be mentioned, and the Days of ſwearing and filing every ſuch Affidavit reſpectively; and ſuch Officer ſhall be at Liberty to take, at the Time of filing every ſuch Affidavit, the Sum of Five Shillings, and no more, as a Recompence for his Trouble in filing ſuch Affidavit; and which Book ſhall and may be ſearched, in Office Hours, by any Perſon or Perſons whomſoever, upon Payment of One Shilling for ſuch Search.

Book may be ſearched for 1*s*.

VI. And

VI. And be it further enacted, That, from and after the ſaid Firſt Day of *Auguſt*, no Publick Notary or Scrivener, being alſo a Publick Notary, ſhall take, have, or retain any Clerk or Apprentice who ſhall become bound as aforeſaid, after ſuch Publick Notary or Scrivener, being alſo a Publick Notary, ſhall have diſcontinued or left off, or during ſuch Time as he ſhall not actually practiſe or carry on the Buſineſs of a Publick Notary.

No Publick Notary to have any Apprentice, but while he ſhall actually practiſe.

VII. And be it further enacted, That every Perſon who ſhall, from and after the ſaid Firſt Day of *Auguſt*, become bound by Contract in Writing or Indenture of Apprenticeſhip to ſerve any Publick Notary as hereby directed, ſhall, during the whole Time and Term of Service to be ſpecified in ſuch Contract or Indenture of Apprenticeſhip, or during the Time and Space of Seven Years thereof at leaſt (if bound for a longer Term than Seven Years) continue and be actually employed by ſuch publick Notary or Scrivener, being alſo a Publick Notary, in the proper Buſineſs, Practice, or Employment of a Publick Notary.

Apprentice to be actually employed Seven Years in the Buſineſs.

VIII. Provided always, and be it further enacted, That if any ſuch Publick Notary or Scriviner, being alſo a Publick Notary, to or with whom any ſuch Perſon ſhall be bound, ſhall happen to die before the Expiration of ſuch Term, or ſhall diſcontinue or leave off ſuch his Practice as aforeſaid; or if ſuch Contract or Indenture of Apprenticeſhip ſhall, by mutual Conſent of the Parties, be cancelled; or in caſe ſuch Clerk or Apprentice ſhall be legally diſcharged before the Expiration of ſuch Term, and ſuch Clerk or Apprentice ſhall in any of the ſaid Caſes, be bound by another Contract or Contracts, Indenture or Indentures in Writing, to ſerve, and ſhall accordingly ſerve in Manner herein-before mentioned, as Clerk or Apprentice to any ſuch Publick Notary or Scrivener, (being alſo a Publick Notary) as aforeſaid, during the Reſidue of the ſaid Term of Seven Years, then ſuch Service ſhall be deemed and taken to be as good, effectual, and available, as if ſuch Clerk or Apprentice had continued to ſerve as a Clerk or Apprentice for the ſaid Term of Seven Years to the ſame Perſon to whom he was originally bound; ſo as an Affidavit be duly made and filed of the Execution of ſuch Second or other Contract or Contracts, within the Time and in like Manner as is herein-before directed concerning ſuch original Contract.

If any Maſter ſhall die, or leave off Practice, or any Indenture ſhall be cancelled by mutual Conſent, or any Apprentice ſhall be legally diſcharged, in ſuch Caſes if Apprentices ſerve the Reſidue of Seven Years with other Maſters, it ſhall be effectual, if an Affidavit be filed of the Second Contract.

IX. And be it further enacted, That every Perſon who, from and after the ſaid Firſt Day of *Auguſt*, ſhall become bound as Clerk or Apprentice as aforeſaid, ſhall, before he be admitted and inrolled a Publick Notary according to this Act, make before, and file with, the proper Officer herein-before for that Purpoſe mentioned, or cauſe the Publick Notary, to whom he was bound, to make and file an Affidavit that he hath actually and really ſerved and been employed by ſuch practiſing Publick Notary, to whom he was bound as aforeſaid, during the whole Term of Seven Years, according to the true Intent and Meaning of this Act.

Apprentices bound after *Aug.* 1, 1801, before Admiſſion, to file Affidavits that they have really ſerved Seven Years.

X. And be it further enacted, That, from and after the ſaid Firſt Day of *Auguſt*, if any Publick Notary ſhall act as ſuch, or permit or ſuffer his Name to be in any Manner uſed for or on Account, or for the Profit and Benefit, of any Perſon or Perſons not entitled to act as a Publick Notary, and Complaint ſhall be made in a ſummary Way to the Court of Faculties wherein

If any Notary ſhall act as ſuch, or permit his Name to be uſed for the Profit of any Perſon not entitled to act as a No-

tary, he ſhall be ſtruck off the Roll.

wherein he hath been admitted and inrolled, upon Oath, to the Satisfaction of the ſaid Court, that ſuch Notary hath offended therein as aforeſaid, then and in ſuch Caſe every ſuch Notary ſo offending ſhall be ſtruck off the Roll of Faculties, and be for ever after diſabled from practiſing as a Publick Notary, or doing any Notarial Act; ſave and except as to any Allowance or Allowances, Sum or Sums of Money, that are or ſhall be agreed to be made or paid to the Widows or Children of any deceaſed Publick Notary or Notaries, by any ſurviving Partner or Partners of ſuch deceaſed Notary or Notaries.

Any Perſon doing any Thing belonging to the Office of a Notary without being admitted, ſhall forfeit 50 *l.*

XI. And be it further enacted, That, from and after the ſaid Firſt Day of *Auguſt*, in caſe any Perſon ſhall, in his own Name or in the Name of any other Perſon, make, do, act, exerciſe, or execute and perform, any Act, Matter, or Thing whatſoever, in anywiſe appertaining or belonging to the Office, Function, and Practice of a Publick Notary, for or in Expectation of any Gain, Fee, or Reward, without being admitted and inrolled, every ſuch Perſon for every ſuch Offence, ſhall forfeit and pay the Sum of Fifty Pounds, to be ſued for and recovered in Manner herein-after mentioned.

Act not to exclude any Perſon from Admiſſion who hath been bound on or before *Jan.* 1, 1801, for Seven Years, to any Notary or Perſon who has actually ſerved as Clerk or Apprentice Seven Years, though not bound by Contract, &c.

XII. Provided always, and be it further enacted, That this Act, or any Thing herein contained, ſhall not be taken or conſtrued to exclude any Perſon from being ſworn, admitted, and inrolled a Publick Notary, in the accuſtomable Court aforeſaid, who hath, on or before the Firſt Day of *January* One thouſand eight hundred and one, been bound by Contract in Writing or Indenture of Apprenticeſhip, to ſerve as a Clerk or Apprentice to any Publick Notary or Scrivener, being alſo a Publick Notary, or any Perſon who ſhall have actually ſerved in the Capacity of Clerk or Apprentice to any Publick Notary or Scrivener, being alſo a Publick Notary, for the Term commencing before the Firſt Day of *January* One thouſand eight hundred and one, for the Term of not leſs than Seven Years, notwithſtanding ſuch Perſon ſhall not have been bound by Contract in Writing or Indenture of Apprenticeſhip, or that ſuch Term of Seven Years ſhall not expire till after the ſaid Firſt Day of *Auguſt*; and provided that ſuch Clerk or Apprentice ſhall, within Six Months after the paſſing of this Act, enter into and become bound by Contract in Writing or Indenture of Apprenticeſhip, to any ſuch Publick Notary, and ſhall actually ſerve for the Remainder of the Term of Seven Years: Provided always, That an Affidavit ſhall be previouſly made and filed, in Manner hereinbefore directed, of ſuch actual Service for any Term not leſs than Seven Years, to any ſuch qualified Notary or Scrivener; and every ſuch Perſon may, after the Expiration of ſuch Term of Seven Years, and Affidavit of ſuch Service having been previouſly made and filed as before directed, be ſworn, admitted, and inrolled to be a Publick Notary, in the ſame Manner as Perſons to be admitted, ſworn, and inrolled Publick Notaries, are hereby required to be ſworn, admitted, and inrolled reſpectively; any Thing in this Act contained to the contrary notwithſtanding.

Perſons applying for a Faculty to become Notaries within the Juriſdiction of the

XIII. And whereas the incorporated Company of Scriveners of *London*, by virtue of its Charter, hath Juriſdiction over its Members being reſident within the City of *London*, the Liberties of *Weſtminſter*, the Borough of *Southwark*, or within the Circuit of Three Miles of the ſaid City, and hath Power to make good and wholeſome Laws and Regulations for the

Government and Controul of such Members, and the said Company of Scriveners practising within the aforesaid Limits, and it is therefore expedient that all Notaries resident within the Limits of the said Charter, should come into and be under the Jurisdiction of the said Company; be it therefore enacted, That all Persons who may hereafter apply for a Faculty to become a Publick Notary, and practise within the City of *London* and the Liberties thereof, or within the Circuit of Three Miles of the same City, shall come into and become Members, and take their Freedom of the said Company of Scriveners, according to the Rules and Ordinances of the said Company, on Payment of such and the like Fine and Fees as are usually paid and payable upon the Admission of Persons to the Freedom of the said Company; and shall, previous to the obtaining such Faculty, be admitted to the Freedom of the said Company, and obtain a Certificate of such Freedom, duly signed by the Clerk of the same Company for the Time being, which Certificate shall be produced to the Master of Faculties, and filed in his Office prior to or at the Time of issuing any Faculty to such Person to enable him to practise within the Jurisdiction of the said Company.

Company of Scriveners, shall previously take their Freedom of the Company.

XIV. Provided nevertheless, and it is hereby enacted, That nothing in this Act contained shall extend, or be construed to extend, to any Proctor in any Ecclesiastical Court in *England*; nor to any Secretary or Secretaries to any Bishop or Bishops, merely practising as such Secretary or Secretaries; or to any other Person or Persons necessarily created a Notary Publick for the Purpose of holding or exercising any Office or Appointment, or occasionally performing any publick Duty or Service under Government, and not as general Practitioner or Practitioners; any Thing herein-before contained to the contrary notwithstanding: Provided always, That nothing herein contained shall extend, or be construed to exempt any Proctor, being also a Publick Notary, from the Pains, Penalties, Forfeitures, and Disabilities, by this Act imposed upon any Publick Notary, who shall permit or suffer his Name to be, in any Manner, used for, or on Account, or for the Profit and Benefit, of any Person or Persons, not entitled to act as a Publick Notary.

Act not to extend to Proctors in Ecclesiastical Courts, Secretaries to Bishops, &c.

XV. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any Person who, on or before the passing of this Act, shall have been admitted as a Publick Notary, from acting as a Publick Notary, or using or exercising the Office of a Notary in any Manner, or doing any Notarial Acts whatever.

nor to Persons who, on or before passing this Act, have been admitted as Notaries.

XVI. And be it further enacted, That all pecuniary Forfeitures and Penalties imposed on any Person or Persons, for Offences committed against this Act, shall and may be sued for and recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed, and wherein the Plaintiff, if he or she shall recover any Penalty or Penalties, shall recover the same for his or her own Use, with full Costs of Suit.

Recovery and Application of Penalties.

XVII. And be it further enacted, That if any Action or Suit shall be brought or commenced for any Thing done in pursuance of this Act, every such Action or Suit shall be commenced within Three Calendar

Limitation of Actions.

Months next after the Fact committed, and not afterwards, and ſhall be laid and tried in the County wherein the Cauſe of Action ſhall have ariſen, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit, ſhall and may plead the General Iſſue, and give this Act, and the ſpecial Matter, in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any Action or Suit ſhall be brought after the Time limited for bringing the ſame, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſe by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XVIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1801.