1. Original Acts.	2. How far continued.	3. Amending Acts.
(27) 41 & 42 Vict. c. 72. Sale of Liquors on Sunday (Ireland).	The whole Act.	—
(28) 43 Vict. c. 18. Parliamentary Elections.	The whole Act so far as it is not repealed.	—
(29) 46 & 47 Vict. c. 35. Diseases Prevention, Metropolis.	The whole Act.	—
(30) 46 & 47 Vict. c. 51. Corrupt and Illegal Practices Prevention.	The whole Act.	—

CHAPTER 54.

An Act to consolidate and amend the law relating to the Registration of Deeds and other matters affecting lands and hereditaments within the North, East, and West Ridings of the County of York. [7th August 1884.]

WHEREAS in pursuance of the Acts mentioned in the First Schedule to this Act register offices have been established for the registration of deeds, conveyances, wills, incumbrances, and other matters affecting lands and hereditaments within the three ridings of the county of York, and the town and county of the town of Kingston-upon-Hull:

And whereas it is expedient to consolidate and amend the said Acts:

Be it therefore 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, as follows:

Short title.

1. This Act may be cited as the Yorkshire Registries Act, 1884.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-five, which day is in this Act referred to as the commencement of this Act, but any orders or rules and any appointment to any office may be made under this Act at any time after the passing thereof, but such orders or rules shall not take effect until the commencement of this Act.

Interpretation.

3. In this Act, unless the context otherwise requires—

The expression "north riding" means the north riding of the county of York;

The expression "east riding" means the east riding of the county of York, and for the purposes of this Act lands within the town or county of Kingston-upon-Hull shall be deemed to be lands within the east riding;

The expression "west riding" means the west riding of the county of York, and for the purposes of this Act lands within the wapentake known as "the Ainsty" shall be deemed to be lands within the west riding;

The expression "the three ridings" means the north riding, the east riding, and the west riding as above defined;

The expression "county authority" means, as respects each of the ridings, the justices of the peace of the said riding in general or quarter sessions assembled;

The expression "county rate" includes any rate in the nature of a county rate which the county authority may have power to levy for purposes similar to those for which a county rate may now be levied;

The expression "existing Registry Acts" means the Acts specified in the First Schedule to this Act annexed;

The expressions "existing registry" and "existing registrar" mean the registry and registrar for the purposes of the existing Registry Acts within the ridings respectively immediately before the commencement of this Act;

The expression "registrar" shall for the purpose of the discharge of any duties imposed on any registrar by this Act include any deputy registrar who under the provisions of this Act or under any provisions of any of the existing Registry Acts for the time being in force is empowered to perform any such duties;

The expression "land" includes land and tenements and hereditaments, corporeal or incorporeal, and houses and other buildings, and also an undivided share in land;

The expression "parish" means any parish, township, or place for which a separate poor rate can be made;

The expression "conveyance" includes any assignment, appointment, lease, or settlement made by deed on a sale, mortgage, demise, or settlement of any land or appointment of a new trustee in respect thereof, which has been executed by one or more of the parties by whom any interest in such land is thereby conveyed;

The expression "mortgage" includes any charge on any land for securing money or money's worth, and any transfer of a mortgage;

The expression "enlargement of term into fee simple" means any enlargement of the residue of a term subsisting in any land into a fee simple made by deed in pursuance of the Conveyancing and Law of Property Act, 1881, or any Act or Acts amending the same; 44 & 45 Vict. c. 41.

The expression "memorandum of charge" shall include any memorandum of a lien or charge on any land which may be registered under the provisions of this Act;

The expression "statutory receipt" means any receipt the endorsement of which under any statute on any conveyance by way of mortgage vacates the same and transfers any estate in the property therein comprised without any re-conveyance;

The expression "will" includes codicil;

The expression "probate" means the probate of any will or any letters of administration with the will annexed, or a copy

thereof stamped with the seal of the Probate Division of the High Court of Justice, or a certified office copy thereof;

The expression "award of the Land Commissioners" means any award made by the Land Commissioners for England under any of the Inclosure Acts, 1845 to 1876, or any Act or Acts amending the same;

The expression "order of the Land Commissioners" means an absolute order of the Land Commissioners for England, whereby a rentcharge is created on land in pursuance of the Improvement of Land Act, 1864, or any Act or Acts amending the same;

27 & 28 Vict. c. 114.

The expression "order of a court" means any judgment, decree, writ of execution or sequestration, adjudication in bankruptcy, or other order or process of or issuing from a court of competent jurisdiction or any order of the Charity Commissioners whereby any interest in any land is or may be affected;

The expression "assurance" shall include any conveyance, enlargement of term into fee simple, memorandum of charge, deed of consent to the discharge of a trustee, statutory receipt, Private Act of Parliament, award or order of the Land Commissioners, order of a court, certificate of appointment of trustee in bankruptcy, or affidavit of vesting under any Act of Parliament.

Registration.

Assurances and wills may be registered.

4. From and after the commencement of this Act, and subject to the provisions of this Act and any rules made under this Act, all assurances executed or made after the commencement of this Act, and all wills of any testators dying after the commencement of this Act, by which any lands within any of the three ridings are affected may be registered under this Act.

Mode of registration.

5. The registration of any assurance, will, or other instrument under this Act, shall be effected in the following manner:

(1.) There shall be presented for enrolment in the register—

(A.) In the case of deeds, wills, or other assurances which may be registered under this Act, except private Acts of Parliament or memoranda of charge, or affidavits of vesting under any Act of Parliament, a memorial thereof prepared in accordance with the provisions of this Act and any rules made thereunder, or such deed, will, or other assurance as aforesaid, at full length at the option of the person registering the same;

(B.) In the case of a private Act of Parliament, a Queen's Printer's copy of such Act, or a memorial thereof prepared in accordance with the provisions of this Act, and any rules made thereunder;

(C.) In the case of any memorandum of charge, caveat, notice, or affidavit which may be registered under this Act, such memorandum, caveat, notice, or affidavit at full length;

(2.) Immediately on receipt of any instrument or memorial thereof presented for enrolment in the register, an entry shall be made in a book of reference to be kept for that purpose, setting forth—

(A.) The date of the instrument.

(B.) (1.) In the case of a deed, the names of the parties.

(2.) In the case of a will, the name of the testator.

(3.) In the case of an order of court or certificate of appointment of trustee in bankruptcy, the title of the cause or matter wherein the same purports to be made, and the names of the parties thereto, if any.

(4.) In the case of a private Act of Parliament, the title of the Act.

(5.) In the case of an order of the Land Commissioners, the name of the landowner whose lands are charged.

(6.) In the case of an award of the Land Commissioners, the names of the persons in whose favour the award is made.

(7.) In the case of a memorandum of charge, the name of the landowner whose lands are charged.

(8.) In the case of a caveat, the names of the persons by and in whose favour the same is given.

(9.) In the case of a notice of a will the names of the testator, and of the person by whom such notice is given.

(10.) In the case of an affidavit of intestacy, the names of the deceased and of the deponent.

(11.) In the case of an affidavit of vesting, the title of the Act of Parliament under which such vesting has been effected, and the name of the deponent.

(C.) The names of all the parishes in which the lands affected by such instrument are situate.

(D.) The volume, page, and number of the register where such instrument or memorial thereof is, or is intended to be enrolled.

(E.) The date, hour, and minute when such instrument or memorial thereof was received at the office for the purpose of registration.

And upon such entry being duly made, such instrument shall be deemed to have been registered under this Act, and the date, hour, and minute so entered as aforesaid shall be deemed for all purposes to be the date of registration, provided that if such entry be duly made in respect of part only of the lands affected by any such instrument, such instrument shall as to the lands with respect to which such entry has been duly made, but not as to the residue of the lands affected thereby, be deemed to have been registered under this Act: Provided that if such instrument shall afterwards be registered as to the omitted lands, a note of such registration and of the date thereof shall be made in the book of reference, and such registration shall thenceforth be valid and effectual as to such omitted lands.

(3.) As soon as conveniently may be after the presentation of any instrument or memorial thereof for enrolment in the register, such instrument or memorial thereof shall be duly enrolled in the register and the volume, page, and number of the register where the same is so enrolled, shall correspond with the entry made or to be made in the book of reference relating to such instrument, and an entry shall be made in the margin

of the register opposite any instrument or memorial thereof so enrolled of the date of registration.

Memorials.

6. Except so far as may be otherwise expressly provided by this Act, or by any rules to be made under this Act, the memorials of all assurances or wills which are enrolled in the register under this Act shall be subject to the following regulations:

(1.) In the case of a deed the memorial shall be under the hand and seal of some or one of the parties thereto, or of some or one of their or his heirs, executors, administrators, guardians, or trustees, and shall be attested by one or more witnesses, one of whom at least shall have been a witness to the execution of the deed, and shall contain—

(A.) The date of the deed:

(B.) The name and description of the residence and occupation of all the parties to the deed so far as set out therein:

(C.) The names and descriptions of the residences and occupations of all the witnesses to the execution of the deed so far as appears therein:

(D.) A description of all the lands affected by the deed within the riding, and the names of all the parishes wherein the same are situate, in such manner as the same are expressed or mentioned in such deed, or to the same effect:

(E.) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(2.) In the case of a will the memorial shall be under the hand and seal of one of the trustees or executors of the said will, or of some one or more persons claiming an interest thereunder in some of the lands affected thereby within the riding, and shall be attested by one or more witnesses, and shall contain—

(A.) The date of the will:

(B.) The date of the death of the testator:

(C.) The name and description of the residence and occupation of the testator so far as set out in the will:

(D.) The names and descriptions of the residences and occupations of all the witnesses to such will so far as appears therein:

(E.) A description of all the lands affected by the will within the riding, and the names of all the parishes wherein the same are situate, so far and in such manner as the same are expressed or mentioned in the will or to the same effect:

(F.) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(3.) In the case of an order of a court or a certificate of appointment of trustee in bankruptcy the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

(A.) The date of the order or certificate;

(B.) The title of the cause or matter wherein the same purports to be made;

(C.) The names of the parties (if any) to such cause or matter;

(D.) So much of the order or certificate itself as affects any lands within the riding or describes or defines such lands;

(E.) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(4.) In the case of a Private Act of Parliament the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

(A.) The date and title of the Act:

(B.) So much of the Act itself as affects any lands within the riding or describes or defines such lands:

(C.) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(5.) In the case of an award of the Land Commissioners the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

(A.) The date of the award.

(B.) The names of all the persons in whose favour the award is made.

(C.) A description of all the lands affected by the award within the riding, and the names of all the parishes wherein the same are situate.

(D.) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

(6.) In the case of an order of the Land Commissioners the memorial shall be under the hand and seal of some party claiming to be interested in some lands affected thereby within the riding, and shall contain—

(A.) The date of the order:

(B.) The name and description of the residence and occupation of the landowner whose lands are charged thereby:

(C.) The particulars of the lands charged within the riding:

(D.) The amount of the rentcharge:

(E.) The period during which the same is made payable.

(F.) The name and description of the residence and occupation of the person on whose behalf the memorial is to be registered.

Memorandum of lien or charge.

7. Where any lien or charge on any lands within any of the three ridings is claimed in respect of any unpaid purchase money or by reason of any deposit of title deeds, a memorandum of such lien or charge, signed by the person against whom such lien or charge is claimed, may be registered by any person claiming to be interested therein.

Every such memorandum shall state—

(A.) The date from which such lien or charge is claimed;

(B.) The name and description of the residence and occupation of the landowner whose lands are charged therewith;

(C.) A description of all the lands within the riding affected by such lien or charge, and the names of all the parishes wherein the same are situate;

(D.) The nature of the lien or charge claimed on or in such lands;

(E.) The name, and a description of the residence and occupation of the person registering such memorandum;

and no such lien or charge shall have any effect or priority as against any assurance for valuable consideration which may be registered under this Act, unless and until a memorandum thereof has been registered in accordance with the provisions of this section.

Deeds, &c. not to be enrolled unless originals, &c. produced.

8. No deed, will, order of a court, certificate of appointment of trustee in bankruptcy, Private Act of Parliament, award, or order of the Land Commissioners shall be registered under this Act unless the original or one of the originals of such deed, or the original or the probate of such will, or an office copy of such order of court or of such certificate, or a copy of such Act printed by Her Majesty's Printers, or a copy of the award duly sealed with the seal of the Commissioners, or a copy thereof signed by the clerk of the peace or his deputy, purporting the same to be a true copy, or the absolute order of the Land Commissioners duly sealed with the seal of the said Commissioners, as the case may be, is produced to the registrar at the time of such registration.

Endorsement on deed or will after registration.

9. Immediately after the registration of any deed, will, order of court, certificate of appointment of trustee in bankruptcy, private Act of Parliament, award, order of the Land Commissioners, or memorandum of charge, under this Act there shall be endorsed on the original deed or the original will or probate thereof, or an office copy of order of court or certificate, or the copy of the Act or award, or the absolute order, or on the memorandum of charge, produced to the registrar a certificate, stating the date of registration and the volume, page, and number in the register in which the same or a memorial thereof is or is intended to be enrolled; and the registrar shall sign the said certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

Caveats.

10. Subject to any rules made under this Act, a caveat may at any time be registered with respect to any lands within any of the three ridings by any person claiming to be entitled to any interest in such lands in favour of any body or person named therein, and, unless removed or cancelled in accordance with any rules to be made for that purpose, shall be in force for such period not exceeding six months as may be named therein in that behalf.

Every such caveat shall be under the hand and seal of the person by whom it is given, and attested by one witness at the least, and shall contain—

(A.) The date on which it is given:

(B.) The name and description of the residence and occupation of the person by whom it is given:

(C.) The name and description of the residence and occupation of the person in whose favour it is given:

(D.) The period for which it is given:

(E.) A description of the lands to be affected by such caveat and the names of all the parishes wherein the same are situate.

If within the period for which any caveat remains in force any assurance made or executed by the person by whom such caveat was given, and conveying any interest in the lands described therein to the person in whose favour such caveat was given, or to his heirs, executors, administrators, or assigns, be duly registered under this Act, such assurance shall have priority as though it had been enrolled upon the date on which such caveat was enrolled, and such last-mentioned date shall, subject to the proviso hereinafter contained, be deemed to be the date of registration of the said assurance for all purposes, and shall be substituted in all certificates and other instruments for the date on which such assurance was actually enrolled accordingly: Provided that no such caveat shall have any effect as against the operation of any law for the time being in force relating to bankruptcy, and that for the purpose of any such law the date of registration of any such assurance or will shall be deemed to be the date upon which such assurance or will was actually registered.

Notices of wills not proved, &c.

11. Where any person claiming an interest under any will in any lands within any of the three ridings is desirous of registering the same, but is unable to do so within a period of six months after the death of the testator, such person may within the said period of six months register a notice of such will. Every such notice shall be under the hand and seal of the person by whom it is given, and shall be attested by one witness in the least, and shall contain—

(A.) The date of the will:

(B.) The date of the death of the testator:

(C.) The name and description of the residence and occupation of the testator so far as set out in the will:

(D.) The name and description of the residence and occupation of the person by whom such notice is given:

(E.) A description of all the lands affected by the will within the riding, and the names of all the parishes wherein the same are situate, so far and in such manner as the same are expressed or mentioned in the will, or to the same effect.

Where any such notice has been duly registered within the said period of six months, then if within two years after the death of the testator the will, which is the subject of such notice, is duly registered under this Act, such will shall have priority as though it had been registered upon the date on which such notice was registered, and such last-mentioned date shall be deemed to be the date of registration of the said will for all purposes, and shall be substituted in all certificates and other instruments for the date on which such will was actually registered.

Affidavit of intestacy.

12. Any person who claims as heir or otherwise any estate or interest in any lands within any of the three ridings which might have been defeated or affected by the will of any person dying after the commencement of this Act, and believes that such person died intestate, or intestate as to such lands, may at any time after, but not before, the expiration of six months from the death of such person, register an affidavit of intestacy.

Every such affidavit shall state—

(A.) The date of the death of the deceased:

(B.) The name and description of the residence and occupation of the deceased:

(C.) The name and description of the residence and occupation of the deponent:

(D.) A description of all the lands within the riding in which the deponent claims such estate or interest, and the names of all the parishes wherein the same are situate:

(E.) The nature of the estate or interest claimed by the deponent:

(F.) The fact that the deponent believes that the deceased died intestate, or intestate as to such lands.

Where any such affidavit of intestacy has been duly registered, any assurance for valuable consideration made or executed by any person who would be empowered to make or execute the same in case of such intestacy, and duly registered, shall have priority over any will of the supposed intestate, the date of registration of which shall be subsequent to the date of registration of such assurance or will and not within or under this Act to be deemed to be within a period of six months after the death of the supposed intestate.

Where by any Act any lands are vested upon the payment of money, &c. an affidavit of the vesting may be registered.

13. Where the provisions of any Act of Parliament passed or to be passed have the effect of vesting any lands within any of the three ridings in any person by or upon the payment of money or by or upon any other act (other than any assurance or act the registration whereof is herein otherwise provided for), and such lands become so vested by or upon any such payment or other act made or done after the commencement of this Act, any person claiming under or by virtue of such vesting as aforesaid may register an affidavit of such vesting.

Every such affidavit shall contain—

(A.) A recital of the date and title of the Act of Parliament under which such vesting has been effected:

(B.) A recital of so much of the Act itself as affects the lands so vested:

(C.) The name and description of the residence and occupation of the deponent:

(D.) A statement of the fact that such payment or act as aforesaid has actually been made or done with the date thereof:

(E.) A description of the lands within the riding which have become vested under the said Act in consequence thereof, and the names of all the parishes wherein the same are situate.

Priority of assurances and wills.

14. Subject to the provisions of this Act, all assurances entitled to be registered under this Act shall have priority according to the date of registration thereof, and not according to the date of such assurances, or of the execution thereof, and every will registered under this Act shall have priority according to the date of the death of the testator if the date of registration thereof be within, or under this Act to be deemed to be within, a period of six months after the death of the testator, or according to the date of registration thereof, if such date of registration be not within, or under this Act to be deemed to be within, such period of six months: Provided that nothing in this Act shall interfere with the priorities as between

themselves of any assurances or wills the dates of registration of which may be identical.

All priorities given by this Act shall have full effect in all courts, except in cases of actual fraud, and all persons claiming thereunder any legal or equitable interests shall be entitled to corresponding priorities, and no such person shall lose any such priority merely in consequence of his having been affected with actual or constructive notice, except in cases of actual fraud; but nothing in this section contained shall operate to confer upon any person claiming without valuable consideration under any person any further priority or protection than would belong to the person under whom he claims; and any disposition of land or charge on land, which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

Registration to be actual notice.

15. The registration of any instrument under this Act shall be deemed to constitute actual notice of such instrument, and of the fact of such registration to all persons and for all purposes whatsoever, as from the date of registration.

Protection by legal estate and tacking not to be allowed.

16. In any case in which priority or protection might but for this Act have been given or allowed to any estate or interest in lands by reason or on the ground of such estate or interest being protected by or tacked to any legal or other estate or interest in such lands, no such priority or protection shall after the commencement of this Act be so given or allowed to any estate or interest in lands within the three ridings, except as against any estate or interest which shall have existed prior to such commencement, and full effect shall be given in every court to this present provision, although the party claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without notice.

Rights of purchasers to relief to be the same as those of the persons through whom they claim.

17. Any person claiming under any assurance or will duly registered shall have and be entitled to all the same grounds of relief as against any person claiming through any assurance or will of a subsequent date to that under which he claims, but which has acquired priority by earlier registration as the person through whom he claims under such first-mentioned assurance or will might have had and been entitled to.

Registration.

18. Subject to the provisions of this Act, and any rules made thereunder, the registrar shall register all assurances, wills, and other instruments that may be entitled to be registered under this Act which, or memorials of which, may be presented to him for enrolment in the register in the order in which they are so presented, and shall make such entries as are required to be made under this Act or any rules made thereunder for the purposes of such registration.

Provided that all instruments or memorials which may be delivered through the post or otherwise at the office for the purpose of enrolment at any time when the office is closed, shall be deemed to be presented for enrolment simultaneously at the time when the office next opens for the business of registration, and that subject as aforesaid all instruments or memorials sent through the post shall be deemed to be presented for enrolment at the time when they are actually delivered at the office in course of post.

Searches may be made and copies taken by any person.

19. Subject to the provisions of this Act, and to any rules made thereunder, any person may, on application at the register office, at such times as may be limited by the registrar in that behalf inspect and search the register and any other books and indexes which may be required to be kept at the register office under this Act, or any rules made thereunder, and may take copies thereof or extracts therefrom.

Official searches.

20. Subject to the provisions of this Act, and to any rules made thereunder, any person may at any time require an official search to be made on his behalf at the register office, subject to the following regulations:

(A.) He shall deliver in the register office a requisition in writing signed by himself requiring such search to be made:

(B.) The requisitions shall contain such full particulars of the character of the search required to be made and otherwise in relation thereto as may be required by the registrar:

(C.) Upon receipt of any such requisition, the registrar shall cause a diligent search to be made, and shall give a certificate of the result of such search to the person requiring the same to be made, and shall sign such certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

Record of official searches.

21. Where any official search has been made under this Act, a record of the result of such search shall be preserved at the register office, and the registrar shall give a certificate of such result to any person requiring the same, and shall sign such certificate and seal the same with the seal of the registry, and every certificate so signed and sealed shall be receivable in evidence.

Certified copies.

22. Subject to the provisions of this Act, and to any rules made thereunder, any person may require a certified copy of or extract from any document enrolled in the register or of or from any entry in the register, or any book or index kept at the register office under this Act, or any rules made thereunder, and thereupon a certified copy or extract signed by the registrar and sealed with the seal of the register office shall be given to such person, and every such copy or extract so signed and sealed shall be receivable as evidence of the contents of such document or entry in every case where such contents may under the rules of evidence be proved by means of any copy or extract; but nothing in this section contained shall be taken to dispense with the production of any original document in any case in which the production thereof might otherwise be required, nor to dispense with any proof which might otherwise be required as to the due making and execution thereof.

Protection of solicitors, trustees, &c. in the case of certificates, &c.

23. Where any solicitor, trustee, executor, agent, or other person in a fiduciary position, either by himself or by a solicitor, obtains a certificate of the result of an official search, or a certified copy of any document enrolled in the register, or of any entry in the register or any book or index kept at the register office under this Act or any rules made thereunder, such solicitor, trustee, executor, agent, or other person shall not be answerable for any loss, damage, or injury that may arise from any error in such certificate or copy; and

Where in any case it is the duty of any solicitor, trustee, executor, agent, or other person in a fiduciary position, either by himself or by a solicitor, to compare any abstract of any deed or will with any original deed or will which has been enrolled at full length in the register, the comparison of such abstract with the copy so enrolled shall be deemed a sufficient discharge of such duty by such solicitor, trustee, executor, agent, or other person, and he or they shall not be answerable for any loss that may arise from any error in the copy so enrolled.

Pages of register to be numbered and signed.

24. Subject to any rules made under this Act, every leaf of the register shall be numbered, and shall be signed by two members of the county authority to be nominated by the county authority for that purpose, and once at least in every year an entry shall be made in the records of the county authority of the number of volumes of the register, and the number of volumes of the various other books and indexes in use in the register office, and the number of pages contained therein respectively which then are or have been in use in the said office.

Rectification of register by Court.

25. Any person claiming any estate or interest in any lands within the limits of this Act may at any time apply to the Chancery Division of the High Court of Justice for an order that the register or any book or index kept at any of the register offices under this Act, or any rules made thereunder, shall be rectified, or that any entry may be made or interpolated in any such register book or index, or that any entry in such register book or index may be cancelled, or that any certificate endorsed or given under this Act may be amended or cancelled, or that any deed, will, certificate, or other document may be produced to the registrar for the purpose of any registration, enrolment, entry, or cancellation, or that the priority by this Act granted to assurances, wills, or other instruments upon the registration thereof may be suspended in whole or in part during the continuance of any proceedings then pending in any court as to any assurances or wills registered after the date of such order, and the court may either refuse such application, or if satisfied of the justice of the case may make such order in reference thereto, and as to the costs thereof, as may in their opinion be just and expedient.

The registrar and every other person or body affected by any such order of a court shall obey the same on being served with such order or an official copy thereof, and upon such service on the registrar such order shall be deemed to have been presented to him for enrolment in the register and shall be registered accordingly.

Any jurisdiction of the Chancery Division of the High Court of Justice under this section may be exercised by any judge of the said court, whether sitting in open court or in chambers.

The Lord Chancellor may, from time to time, assign the duties vested in the said court in relation to matters under this section to any particular judge or judges of that court, and may from time to time make, revoke, and alter rules for carrying into effect the objects of this section: Provided always, that the said rules so made, revoked, or altered, shall not extend the jurisdiction of the court.

Any person aggrieved by an order made under this section by the said court may appeal within the prescribed time in the same manner and with the same incidents in and with which orders made by the said court in cases within the ordinary jurisdiction of such court may be appealed from.

Entries in respect of statutory receipts.

26. Nothing in any Act contained whereby the registrar is directed to give any certificate upon the production to him of any statutory receipt, shall render it obligatory on the registrar to give any such certificate unless and until such statutory receipt has been duly registered under this Act.

Registrar need not register instrument not duly stamped.

27. Nothing in this Act contained shall render it obligatory on the registrar to enrol, register, or enter any instrument chargeable with any stamp duty which is not duly stamped.

Act not to extend to copyhold or certain leasehold interest.

28. Nothing in this Act contained shall be deemed to extend to any copyhold hereditaments, nor to any lease not exceeding twenty-one years, or any assignment thereof where accompanied by actual possession from the making of such lease or assignment.

Shares in companies not to be affected.

29. Nothing in this Act contained shall be deemed to extend to any assurance or will, so far as the same may relate only to shares in any public or private works or undertaking of any corporation, company, or society which by virtue of any Local or other Act of Parliament may be required to be registered or otherwise entered or minuted in the books of the corporation, company, or society.

Saving as to Crown lands.

30. Nothing in this Act contained shall be deemed to extend to any assurances of any lands being parcel of the land revenues of the Crown, or assurances of lands to or in trust for Her Majesty, or other assurances which may be enrolled in "The Office of Land Revenue, Record, and Inrolments."

Register Offices.

Offices for the registration of deeds.

31. There shall be offices for the registration of deeds—

At Northallerton for the north riding;
At Beverley for the east riding; and
At Wakefield for the west riding;

which shall be maintained by the county authorities within the three ridings respectively, and the business of each such registry shall be conducted by a registrar, together with such number of clerks, messengers, and servants as may from time to time be appointed in that behalf, and at each of such offices the registrar shall keep a register for the registration of assurance wills and other instruments required or permitted to be registered under this Act.

Seal of register office.

32. There shall be a seal for each register office, and judicial notice shall be taken of the seal and of the signature of the registrar in all legal proceedings.

Vesting of register offices &c. in clerk of peace.

33. From and after the commencement of this Act all the land and property vested in or held by any county authority, or by any person upon trust for the purposes of any existing registry, together with all the estate and interest of any registrar, or heirs, executors, administrators, or devisees of any late registrar of any existing registry in any land used for the purpose of such registry, or any fixtures, furniture, or effects belonging thereto, shall be vested in

the clerk of the peace for the riding within which such registry is situate, and his successors, subject to the liabilities affecting the same, upon trust for the purposes of the registry established under this Act within the said riding, and be by him and them held for the purposes of such registry, or otherwise be by him and them sold, conveyed, or disposed of in such manner as the county authority may from time to time order and direct.

Building, &c. of offices.

34. The county authority may from time to time purchase any lands for the purposes of the registry established under this Act, and may upon such lands, and any other lands within the riding which may be vested in them or in any trustee for the purposes of the registry established under this Act, from time to time build, maintain, repair, alter, improve, enlarge, or rebuild such offices and buildings for the purposes of the registry established under this Act as they may think expedient, or may from time to time sell the lands so purchased or vested as aforesaid, or any part thereof, and all expenses incurred by the county authority in carrying into effect the provisions of this Act, together with all expenses of and incidental to the payment of any rates, taxes, assessments, or charges in respect of any such lands, buildings, or offices as aforesaid which may for the time being be vested in the county authority, or in any person or persons in trust for the purposes of the said registry, shall be paid by the county authority.

Rules.

35. Subject to the provisions of this Act the county authority may from time to time make, and when made may rescind, amend, or add to, rules in respect to all or any of the following matters:

(1.) The form of the register and the mode in which the same is to be made and kept:

(2.) The preparation and keeping at the register office of any books and indexes, and the entries to be made therein for the purpose of effecting any registration:

(3.) The mode in which registration is to be conducted:

(4.) The making of entries in the register where any mortgage, lien, or charge with reference to which any instrument has been registered under this Act has been satisfied or discharged:

(5.) The forms of memorials, certificates, and other instruments to be prepared for the purposes of this Act:

(6.) The making of searches and the giving of certified copies:

(7.) The fees to be taken by the registrar where such fees are not paid to and retained by an existing registrar for his own use:

(8.) The custody of the register and other documents connected with the business of registration:

(9.) The transmission by post of applications for registration and for search, and of registered documents and certificates of registration and search:

(10.) Generally in relation to any matters, whether similar or not to those above mentioned, as to which it may be expedient to make rules for carrying into effect the objects of this Act:

Provided that no such rules shall have any force or effect unless and until they have been confirmed by the Lord Chancellor and published in such manner as he may direct, and that a copy thereof

shall be laid before both Houses of Parliament within fourteen days after the confirmation thereof if Parliament be then sitting, or if Parliament be not then sitting within fourteen days after the next meeting thereof.

Any rules made, confirmed, and published in pursuance of this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act and shall be judicially noticed.

Existing registrars to be first registrars under this Act.

36. The existing registrars shall be the first registrars for the respective ridings for the purposes of this Act, and shall have and be subject to all the like rights, duties, obligations, and liabilities, and be entitled to the same remuneration in connexion with the registries established under this Act as they would have and be subject to and would be entitled to in connexion with the existing registries if this Act had not passed so far as may be possible, and save as aforesaid nothing in this Act contained shall affect the rights of the existing registrars or of their deputies duly appointed, or shall alter the nature and tenure of their offices or the remuneration attached thereto, or the duties, obligations, and liabilities of such registrars and deputies in connexion with the registries respectively: Provided always, that the county authority for any riding may at any time agree with the existing registrar for such riding that all fees and payments received by or on account of him in connexion with the registry established under this Act shall be paid over to the county authority and applied in manner directed by this Act, and that a salary of an agreed amount should be paid to such existing registrar in lieu thereof, and thereupon the said fees shall be paid over to the county authority and applied by them in manner directed by this Act, and a salary of the agreed amount shall be paid by the county authority to such existing registrar in accordance with the terms of the said agreement: Provided also, that the county authority for any riding may at any time agree with the existing registrar for such riding that such registrar shall surrender his office of registrar as from some date to be agreed upon, and that in consideration thereof there shall be paid to such registrar a retiring allowance either in the form of an annuity (of a fixed amount or of an amount varying according to the fees and payments from time to time received in connexion with the registry) to be paid during the life of such registrar or of a capital sum, and thereupon such registrar may surrender his said office, and such retiring allowance shall be paid by the county authority to such registrar in accordance with the terms of the said agreement.

Appointment of officers, &c.

37. When and so soon as the office of any existing registrar becomes vacant, the following provisions shall come into force and have effect:

(1.) The county authority from time to time shall appoint some fit person being a barrister or solicitor of not less than seven years standing and in actual practice at the time of such appointment, or a person who shall for a period of at least five years have discharged the duties of deputy registrar under any of the existing Registry Acts or partly under the existing Registry Acts and partly under this Act to be registrar who

shall personally attend to the duties of his office, and may, if they think it expedient, remove any person so appointed from such office: Provided that no such appointment shall have any force or effect unless and until it has been confirmed by the Lord Chancellor, and that the Lord Chancellor may at any time cancel any appointment so made and remove any person appointed from such office upon being satisfied that such person does not properly discharge the duties thereof.

No registrar appointed under this section shall either by himself or in partnership with any other person follow any other calling or profession during the time he holds such appointment.

(2.) The county authority may from time to time by order direct that any person or persons to be nominated in such order shall be capable of discharging the duties of registrar during any temporary vacancy in the office or during the temporary absence of any registrar through illness or otherwise, upon such terms as to remuneration or otherwise as may be directed by such order; and in default of any such nomination the clerk of the peace or his deputy shall be empowered to act as registrar during such vacancy or temporary absence as aforesaid:

(3.) A registrar may, with the approval of the county authority, at any time, by writing under his hand, appoint some fit person or persons being qualified as is herein-before required for the office of registrar to be his deputy or deputies, and to act for him for such time and under such conditions as to remuneration or otherwise as may be sanctioned by the county authority: Provided that any deputy so appointed may at any time be removed from his office by the registrar or the county authority:

(4.) The registrar, with the approval of the county authority, shall from time to time appoint such number of clerks, messengers, and servants as may be deemed expedient for carrying this Act into effect, and may from time to time dismiss any person so appointed:

(5.) Every registrar and deputy registrar, and, if the county authority think proper, all or any of the clerks to be appointed under this section, shall give security for the due performance of the duties of their respective offices in such manner and to such amount as the county authority may determine:

(6.) The registrar, deputy registrars, clerks, messengers, and servants appointed under this section shall be paid such salaries or remuneration as the county authority may from time to time determine:

(7.) All salaries and remuneration payable under this section, together with all other expenses of and incidental to the register offices, shall be paid by the county authority.

Fees.

38. The fees to be taken in each register office in respect of documents to be registered, entries, searches, certificates, and copies to be made, and other matters to be done in such office under this Act, shall be such fees as are specified in that behalf in the Second Schedule to this Act, or such other fees as are fixed in manner

herein-after mentioned, and such fees so specified or fixed may be taken and shall be paid accordingly, and nothing in this Act contained shall make it obligatory on the registrar to do any act or permit any act to be done in respect of which any fee is so specified and fixed, except on payment of such fee.

At any time and from time to time after any registrar has been appointed by the county authority, or after any agreement between any existing registrar and the county authority for the payment of such registrar by salary and not by fees has come into effect, the county authority may by any rules made under this Act vary or wholly abolish any fees specified in the Second Schedule hereto, and may fix new fees in addition thereto or in lieu thereof.

Unauthorised fees not to be taken.

39. After the commencement of this Act no registrar or other person employed at any registry shall take or receive any fee or gratuity in respect of the business carried on thereat, except such as may be authorised to be taken under the provisions of this Act.

Application of fees.

40. Subject to the rights of any existing registrars and their deputies to be paid and to retain for their own use any fees and other payments made to them under this Act, the county authority may from time to time direct that the fees or other payments which may be received under the authority of this Act, or any part thereof, shall be applied under such regulations as they may appoint in payment of the current or incidental expenses of the registry, or any of them, but, save so far as the same or any part thereof may be so applied, all such fees and payments as aforesaid shall be paid over to the county authority in such manner and subject to such regulations as they may direct, and shall be carried by them to the credit of the county rate.

Accounts.

41. Accounts shall be kept at each registry of all fees and payments received under the authority of this Act, and of all current and incidental expenses paid thereout, and such accounts shall be audited in such manner, at such times, and by such person or persons as may be directed by the county authority. Any person auditing any accounts in pursuance of this section shall be entitled to receive such remuneration (if any) as may be fixed by the county authority, and such remuneration shall be paid by the county authority.

Expenses to be defrayed out of county rate.

42. All expenses incurred by a county authority under this Act and not otherwise provided for, including the expenses of and incidental to the obtaining of this Act, may be defrayed out of the county rate, and the county authority may from time to time cause such county rates to be levied as may be necessary for the purpose of defraying such expenses: Provided that such expenses shall be deemed to be sums expended out of the county rate for general county purposes within the meaning of the Municipal Corporations Act, 1882.

45 & 46 Vict. c. 50.

Existing Registries.

Registering of memorials, &c. where assurance, &c. executed before commencement of Act, &c.

43. Where in any case any assurance or instrument executed or made before the passing of this Act, or the will of any testator dying before the commencement of this Act, or any judgment, statute, or recognizance given, acknowledged, or made before the commencement of this Act, or any memorial thereof respectively,

might but for the passing of this Act have been registered in any existing registry, but such assurance, instrument, will, judgment, statute, recognizance, or memorial have not been so registered, such assurance, instrument, will, judgment, statute, or recognizance may be registered in the manner and subject to the regulations contained in this Act, and every such registration shall be deemed to be a registering of such assurance, instrument, will, judgment, statute, or recognizance, or of a memorial thereof, under such of the Acts by this Act repealed as apply to the existing registry in which the same might have been so registered as aforesaid, and shall have effect accordingly, but such registration shall not be deemed to be or have effect as a registration of an assurance, instrument, or will under this Act.

Books, &c. connected with old registries.

44. All registers, books, indexes, and other documents and instruments in or belonging to the existing registries, or in the custody or under the control of the existing registrars, or of any other person attached thereto or employed therein for the purposes thereof, shall from and after the commencement of this Act be vested in the clerks of the peace for the ridings within which such registries are situate respectively, upon trust for the purposes of the registry established under this Act within the said riding, and be by him and them held for the purposes of such registry, and disposed of in such manner as the county authority may direct.

The county authority shall from time to time make such provisions and give such directions as they may deem expedient for the purpose of securing the deposit and safe custody of the said registers, books, indexes, and other documents and instruments in the new registry offices, and for the providing for the making of searches therein, and of copies thereof, and for all other matters relating thereto, and the like fees shall be taken and paid in respect of such searches and copies as in the case of other copies and searches to be made in the said offices under this Act.

Copies of old registers.

45. All copies to be made after the commencement of this Act of enrolments of bargains and sales enrolled in the existing registries, and of the entries or enrolments of deeds, wills, writings, or conveyances registered at full length in the existing registry for the north riding shall be signed by the registrar and sealed with the seal of the office, and copies so signed and sealed shall be as good evidence as copies of such enrolments and entries would have been under and by virtue of any of the Registry Acts if signed and attested in manner by the said Acts respectively required.

Miscellaneous.

Frauds by registrar, &c.

46. If any registrar or other person employed in the register office is party or privy to any act of fraud or collusion in relation to the registration of any assurance, will, or other instrument under this Act, or the making of any enrolment or entry, or the giving of any certificate or copy, or the making of any search, or the taking of any extract or copy under this Act, or any rules made thereunder, he shall be guilty of a misdemeanor, and shall upon conviction on indictment be liable to imprisonment with or without hard labour for any period not exceeding two years

Falsely swearing under this Act to be punished as perjury.

47. If any person making any affidavit under this Act shall therein wilfully swear falsely, such person shall be deemed guilty of wilful and corrupt perjury.

Swearing of affidavits.

48. Any affidavit to be registered under this Act may be sworn before any person authorised to administer oaths in Her Majesty's High Court of Justice or in the Court of Chancery of the county palatine of Lancaster, or in the case of a person who is out of the kingdom of Great Britain and Ireland before a magistrate or justice of the peace or other person qualified to administer oaths in the country where he resides (he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British Minister or British Consul or by a notary public).

Actions for neglect, &c. to be brought against registrar.

49. When and so soon as the right of appointment of the registrar under this Act is vested in and has been exercised by the county authority, the following provisions shall have effect:

(A.) Every action which may be brought by any person to recover damages for or by reason of any loss or damage occasioned by any neglect, omission, mistake, or misfeasance of the registrar or any person employed in the register office in connexion with the business of such office shall be brought against the registrar as the nominal defendant by his name of office, and no such action shall abate by reason of the death or removal from office of any such registrar:

(B.) A writ or process shall not be sued out against or served on the registrar for anything done or intended to be done or omitted to be done under the provisions of this Act until the expiration of one month after notice in writing has been served on such registrar, clearly stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor or agent in the cause:

(C.) The registrar, with the consent of the county authority, may enter into and conclude a compromise with any body or person claiming a right of action against him under this section, or may agree with such body or person that any question relating to such right of action should be referred to arbitration:

(D.) All damages, costs, and expenses payable by the registrar in respect of any such action, compromise, or arbitration as in this section above mentioned shall be paid by him out of moneys to be provided by the county authority, and the county authority shall provide all moneys which may be necessary in that behalf.

Protection of local authority and the officers from personal liability.

50. No matter or thing done and no contract entered into by any county authority, and no matter or thing done by any member of any such authority, or by any officer of such authority or other person whomsoever appointed by and acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such county authority, member, officer, or other person acting as last aforesaid shall be paid by the county authority:

Provided that nothing in this section shall exempt any member of any county authority from liability to be surcharged with the

amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

51. From and after the commencement of this Act the Acts specified in the First Schedule to this Act shall be and the same are hereby repealed. Repeal.

Provided that this repeal shall not affect—

Anything duly done or suffered; or

Any right, privilege, priority, or preference acquired; or

Any liability, disqualification, disability, fine, forfeiture, or other punishment incurred

under any enactment so repealed prior to the commencement of this Act, and any proceeding and remedy for the ascertainment, enforcement, or recovery thereof may be instituted, prosecuted, and had as though this Act had not passed.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Sections 3, 51.

Session and Chapter.		Title.	
2 & 3 Anne, c. 4.	1	An Act for the publick registring 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.	
6 Anne, c. 20. -	2	An Act for inrollments 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.	5 Anne, c. 18. in Ruffhead.
6 Anne, c. 62. -	3	An Act for the publick registring of all deeds, conveyances, wills, and other incumbrances that shall be made of or that may affect any honors, 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.	c. 35. in Ruffhead.
8 Geo. II. c. 6. -	4	An Act for the publick registring of all deeds, conveyances, wills, and other incumbrances that shall be made of or that may affect any honors, manors, lands, tenements, or hereditaments within the north riding of the county of York after the nine-and-twentieth day of September one thousand seven hundred and thirty-six.	

THE SECOND SCHEDULE.

Section 38.

For entering or registering a memorial, certificate, deed, or other document, where the same does not exceed two folios (of 100 words each) in length -	One shilling.
The like, where the said memorial, certificate, deed, or other document exceeds two folios (of 100 words each) in length - - - - - -	Sixpence per folio.

For every certificate or copy of any memorial, deed, or other document given or filed pursuant to this Act -	The like fees.
For every search (not being an official search) -	One shilling.
For every official search—	
For each period of five years - - -	Sixpence.

CHAPTER 55.

An Act to make further provision with regard to the Pensions of Soldiers, and to the Pay and Pensions of the Yeomanry, and for other purposes.

[14th August 1884.]

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, as follows:

Short title.

1. This Act may be cited as the Pensions and Yeomanry Pay Act, 1884.

Royal order as to soldiers pensions and to pay and pensions of the Yeomanry.

2.—(1.) On and after the commencement of this Act it shall be lawful for Her Majesty from time to time to make, and when made to revoke and vary, orders relating to pensions of soldiers, and to the pay and pensions of the Yeomanry, including the commutation of pensions, the restoration of forfeited pensions, and the award and payment of both such pay and pensions as aforesaid.

(2.) Every order so made shall forthwith after it is made be laid before both Houses of Parliament, and shall notwithstanding anything in any other Act have effect as if enacted in this Act; and if any question of doubt arises as to the construction of any Act or royal order relating to such pensions recourse shall be had to the advice of a Secretary of State, whose decision thereon shall be binding.

(3.) A Secretary of State may from time to time make such regulations as appear to him to be required for the purpose of carrying into effect any order made in pursuance of this section.

(4.) Nothing in any order made in pursuance of this section shall take away or diminish, without his consent, any right of a soldier to receive such pension as was fixed by any order applying to such soldier and in force at the time of his enlistment and for the payment whereof money shall have been voted by Parliament.

Punishment for obtaining pay or pensions by fraudulent means.

3.—(1.) If any person by means of any false certificate, false representation, false document, false statement, or other fraudulent means, obtains, or attempts to obtain, for himself or any other person, the grant, increase, or payment of any pay or pension payable, or any privilege or advantage obtainable in pursuance of any warrant, order, or regulation of Her Majesty or a Secretary of State, whether made in pursuance of this Act or otherwise, he shall, on conviction on indictment, be liable to imprisonment, with or without hard labour, for a term not exceeding two years, and on conviction by a court of summary jurisdiction be liable to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding twenty-five pounds.