Anno quarto

Georgii III. Regis.

CAP. XXXVIII.

An Act for allowing further Time for Inrollments of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers.



WHEREAS by a Clause in an Act of Parliament passed in the Third Year of the Reign of his late Majesty King George the First, intituled, An Act for explaining an Act passed in the last Session of Parliament, intituled, *An Act to oblige Papists to register their Names and Real Estates, and for enlarging the Time for such Registering; and for securing Purchases made by Protestants*; it was enacted, That from and after the Twenty ninth Day of September, in the Year of our Lord One thousand seven hundred and seventeen, no Manors, Lands, Tenements, Hereditaments, or any Interest therein, or Rent or Profit thereout, should pass, alter, or change, from any Papist, or Person professing the Popish Religion, by any Deed or Will, except such Deed, within Six Months after the Date, and such Will, within Six Months after the Death of the Testator, should be inrolled in One of the King's Courts of Record at Westminster, or else within the same County or Counties wherein the Manors, Lands, and Tenements, lie, in such Manner as therein for that Purpose is particularly directed: And whereas by several Acts of Parliament made in the Tenth Year of His said late Majesty's Reign, and in the Third, Preamble, reciting the Acts 3 *Geo.* I. 10 *Geo.* II.

& 3, 6, 9, 11, 12, 16, & 19 Geo. II. Third, Sixth, Ninth, Eleventh, Twelfth, Sirteenth, and Nineteenth Years of the Reign of His late Majesty King George the Second, it was enacted, That every Deed and Will which had been then made since the Twenty ninth Day of September, One thousand seven hundred and seventeen, in order to pass, alter, or change, any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or Rent or Profit thereout, from any Papist or Person professing the Popish Religion, though not then inrolled, should be as good and effectual in the Law, as the same would have been in case the said Deeds and Wills had been inrolled within the Time limited, by the said Clause in the said first-mentioned Act, for Inrollment thereof, provided the said Deeds and Wills should be inrolled on or before the respective Times in the said several Acts respectively mentioned, in such Manner as by the said first-mentioned Act was directed: And whereas by another Act made in the Twenty sixth Year of the Reign of his late Majesty King George the Second, it was enacted, That every Deed and Will made since the First Day of December, One thousand seven hundred and forty six, in order to pass, alter, or change, any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or any Rent or Profit thereout, from any Papist or Person professing the Popish Religion, to any Protestant or Protestants, or by or by reason of which Deed or Will any Protestant or Protestants may claim or derive any legal, equitable, or other Interest whatsoever, to his, her, or their Use, for his, her, or their Benefit, or to the Use or Benefit of any other Protestant or Protestants, though not inrolled, or not inrolled in due Time, should be as good and effectual in the Law, as the same would have been in case the said Deeds and Wills had been inrolled within the Times limited by the said Clauses in the said Acts for the Inrollment thereof, provided the same Deeds and Wills should be inrolled on or before the First Day of January, One thousand seven hundred and fifty four, in such Manner as by the said Clause in the said first-mentioned Act is directed: And whereas by an Act made in the Twenty eighth Year of the Reign of His late Majesty King George the Second, it was enacted, That every Deed and Will made since the Twenty ninth Day of September, One thousand seven hundred and seventeen, in order to pass, alter, or change, any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or any Rent or Profit thereout, from any Papist or Person professing the Popish Religion, to any Protestant or Protestants, or by or by

46 Geo. II.

28 Geo. II.

reason of which Deed or Will, any Protestant or Protestants may claim or derive any legal, equitable, or other Interest whatsoever, to his, her, or their Use, for his, her, or their Benefit, or to the Use or Benefit of any other Protestant or Protestants, though not inrolled, or not inrolled in due Time, should be as good and effectual in the Law, as the same would have been in case the said Deeds and Wills had been inrolled within the Times limited by the said Clauses in the said Acts for the Inrollment thereof, provided the same Deeds and Wills should be inrolled on or before the First Day of January, One thousand seven hundred and fifty six, in such Manner as by the said Clause in the said first-mentioned Act is directed: And whereas 31 Geo. II. by an Act made in the Thirty first Year of the Reign of His late Majesty King George the Second, it was enacted, That every Deed and Will made since the Twenty ninth Day of September, One thousand seven hundred and seventeen, in order to pass, alter, or change, any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or any Rent or Profits thereout, from any Papist or Person professing the Popish Religion, to any Protestant or Protestants, or by or by reason of which Deed or Will any Protestant or Protestants may claim or derive any legal, equitable, or other Interest whatsoever, to his, her, or their Use, for his, her, or their Benefit, or to the Use or Benefit of any other Protestant or Protestants, though not inrolled, or not inrolled in due Time, should be as good and effectual in the Law, as the same would have been in case the same Deeds and Wills had been inrolled within the Times limited by the said Clauses in the said Acts for the Inrollment thereof, provided the said Deeds and Wills should be inrolled on or before the First Day of January, One thousand seven hundred and fifty nine, in such Manner as by the said Clause in the said first-mentioned Act is directed: And whereas by an Act passed in the Thirty 33 Geo. II. third Year of His said late Majesty's Reign, it was enacted, That every Deed and Will made since the Twenty ninth Day of September, One thousand seven hundred and seventeen, in order to pass, alter, or change, any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or any Rent or Profit thereout, from any Papist or Person professing the Popish Religion, to any Protestant or Protestants, or by or by reason of which Deed or Will any Protestant or Protestants may claim or derive any legal, equitable, or other Interest whatsoever, to his, her, or their Use, for his, her, or their Benefit, or to the Use or Benefit of any other Protestant or

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Protestants, though not inrolled, or not inrolled in due Time, shall be as good and effectual in the Law, as the same would have been in case the said Deeds and Wills had been inrolled within the Times limited by the said Clauses in the said Acts for the Inrollment thereof, provided the same Deeds and Wills should be inrolled on or before the Twenty fifth Day of December, One thousand seven hundred and sixty, in such Manner as by the said Clause in the said first-mentioned Act is directed;

& 2 Geo. III. And whereas by an Act made in the Second Year of his present Majesty's Reign, it was enacted, That every Deed and Will made since the Twenty ninth Day of September, One thousand seven hundred and seventeen, in order to pass, alter, or change, any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or any Rent or Profit thereout, from any Papist or Person professing the Popish Religion, to any Protestant or Protestants, or by or by reason of which Deed or Will, any Protestant or Protestants may claim or derive any legal, equitable, or other Interest whatsoever, to his, her, or their Use, for his, her, or their Benefit, or to the Use or Benefit of any other Protestant or Protestants, though not inrolled, or not inrolled in due Time, shall be as good and effectual in the Law, as the same would have been in case the said Deeds and Wills had been inrolled within the Times limited by the said Clauses in the said Acts for the Inrollment thereof, provided the same Deeds and Wills should be inrolled on or before the Twenty fifth Day of December, One thousand seven hundred and sixty two, in such Manner as by the said Clause in the said first-mentioned Act is directed; be it 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 every Deed and Will made since the Twenty ninth Day of September, One thousand seven hundred and seventeen, in order to pass, alter, or change, any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or any Rent or Profit thereout, from any Papist or Person professing the Popish Religion, to any Protestant or Protestants, or by reason of which Deed or Will, any Protestant or Protestants may claim or derive any legal, equitable, or other Interest whatsoever, to his, her, or their Use, for his, her, or their Benefit, or to the Use or Benefit of any other Protestant or Protestants, though not inrolled, or not inrolled in due Time, shall be as good and effectual in the Law, as the same would have been

Further Time given for inrolling Deeds and Wills of Papists, till 1 *Jan.* 1765.

been in case the said Deeds and Wills had been inrolled within the Times limited by the said Clauses in the said Acts for the Inrollment thereof, provided the same Deeds and Wills shall be inrolled on or before the First Day of January, One thousand seven hundred and sixty five, in such Manner as by the said Clause in the said first-mentioned Act is directed.

No Deed, Will, or Lease, made good hereby, whereof Advantage has been taken of the Non-inrollment thereof, before 1 *Jan.* 1764.

Provided always, That nothing herein contained shall extend, or be construed to extend, to make good any such Deed, Will, or Lease, already made and not inrolled, of the want of Inrollment whereof Advantage shall have been taken on or before the First Day of January, One thousand seven hundred and sixty four, but every such Deed, Will, or Lease, shall remain of such Force and Effect only, as the same would have had if this Act had never been made, and of none other Force and Effect.

Purchases made by Protestants shall stand good, if no Advantage has been taken for Non-inrollment.

And whereas many Purchases made by Protestants, may be in Danger of being impeached or called in Question, in regard that some Deeds or Wills, through which the Title thereto is derived, ought to have been inrolled according to the said Acts, but have not been so inrolled; be it therefore further enacted by the Authority aforesaid, That no Purchase made for full and valuable Consideration of any Manors, Messuages, Lands, Tenements, or Hereditaments, or of any Interest therein, by any Protestant or Protestants, and meerly and only for the Benefit of the Protestants, shall be impeached or avoided, for or by reason that any Deed or Will through which the Title thereto is derived, hath not been inrolled as required by the said Acts, so as no Advantage was taken of Inrollment thereof, before such Purchase was made, and so as no Decree or Judgement have been obtained for want of the Inrollment of such Deeds or Wills.

No Grant, Lease, or Mortgage, of the Advowson, or Right of Presentation to a Living, &c. made by any Papist in Trust, &c. to be hereby deemed good.

Provided also, That nothing herein contained shall extend, or be construed to extend, to make good any Grant, Lease, or Mortgage, of the Advowson, or Right of Presentation, Collation, Nomination, or Donation, of and to any Benefice, Prebend, or Ecclesiastical Living, School, Hospital, or Donative, or any Avoidance thereof, made by any Papist or Person professing the Popish Religion, in Trust, directly or indirectly, mediately or immediately, by or for any such Papist or Person professing the Popish Religion, whether such Trust hath been declared by Writing or not.

FINIS.