ANNO TERTIO

GEORGII IV. REGIS.

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C A P. XCII.

An Act to explain an Act of the Fifty-third Year of the Reign of His late Majesty, respecting the Enrolment of Memorials of Grants of Annuities.

[29th *July* 1822.]

WHEREAS by an Act of Parliament made and passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to repeal an Act of the Seventeenth Year of the Reign of His present Majesty, intituled 'An Act for registering the Grants of Life Annuities, and for the 'better Protection of Infants against such Grants,' and to substitute other Provisions in lieu thereof,* it is enacted, that within Thirty Days after the Execution of every Deed, Bond, Instrument, or other Assurance, whereby any Annuity or Rent Charge shall, from and after the passing of the said Act, be granted for One or more Life or Lives, or for any Term of Years or greater Estate determinable on One or more Life or Lives, a Memorial of the Date of every such Deed, Bond, Instrument, or other Assurance of the Names of all the Parties, and of all the Witnesses thereto, and of the Person or Persons for whose Life or Lives such Annuity or Rent Charge shall be granted, and of the Person or Persons by whom the same is to be beneficially received, shall be enrolled in the High Court of Chancery, in the Form or to the Effect following, with such Alterations therein as the Nature and Circumstances of any particular Case may reasonably require: And whereas the Form or Effect to which such Enactment 53G.3.c.141.

10 O ment

ment refers is expressed in several Columns, at the Head of one of which are the Words "Names of Witnesses," and underneath, as applicable to Indentures of Lease and Release, the Letters and Words "E. F. of" "G. H. of" and as applicable to a Bond and Warrant of Attorney to confess Judgment, the Letters "E. F." "G. H." without the Word "of:" And whereas the Words of Enactment referring to such Form express only that a Memorial of the Names of all the Witnesses to every such Deed, Bond, Instrument, or other Assurance as therein mentioned, should be enrolled as directed by the said Act, without providing that any Description of the Witnesses should be given in such Memorial, except as such Form is thereby referred to; and such Form does not provide that any Description should be added to such Names except by the Addition of the Word "of" to the Letters "E. F." and "G. H." as aforesaid, as applicable to Indentures of Lease and Release: And whereas in consequence of such indistinct Enactment it may be doubtful, whether it was the Intention of the Legislature to require any, or if any, what Description to be added to the Names of Witnesses in the Memorial of any Deed, Instrument, or Assurance to be enrolled as aforesaid: And whereas a very great Number of Memorials of Grants of Annuities have, since the passing of the said Act, been enrolled, in which the Names of the Witnesses to the Deeds, Instruments, or Assurances specified in such Memorials, have been inserted without the Addition of the Place of Abode of such Witnesses; and it has been inferred, from the Use of the Word "of" after such Letters "E. F." and after such Letters "G. H." as aforesaid, that it was necessary to describe each of such Witnesses in such Memorial as of some Place, and in consequence thereof some Grants of Annuities made since the passing of the said Act have been, in Proceedings in summary Applications to Courts of Justice, which cannot be reviewed in any Superior Court, deemed null and void, on the Ground that no Description of the Place of Abode of the Witnesses to some or one of the Deeds, Instruments, or Assurances by which such Grants of Annuities have been made, had been inserted in the Memorials or Memorial thereof enrolled as directed by the said Act: And whereas Doubts have been entertained whether the Construction so put on the said Act is the true Construction thereof, more especially as the same is so far penal as it renders Deeds, Instruments, and Assurances, of which Memorials have not been enrolled in pursuance of the said Act, null and void, and the Provisions in the said Act are not so clear and explicit as the same ought to have been under such Circumstances, and the Parties claiming under Grants of Annuities may have been thereby misled, and induced to conceive that it was not necessary under the Provisions of the said Act to insert in the Memorial of any Deed, Instrument, or Assurance to be enrolled as aforesaid, the Place or Places of Abode of the Witness or Witnesses to such Deed, Instrument, or Assurance, or any more than the Name or Names of such Witness or Witnesses, there being no Words in the said Act expressly requiring any more to be so inserted, nor any Words from which it could be inferred that any more was required to be so inserted, except the Word "of" after the Letters "E. F." and "G. H." respectively, with reference to one Species of Assurance inserted in the Form of Memorial before mentioned; and it is expe-

dient to remove all Doubts touching the Construction of the said Act, with respect to so much of the Memorials required by the said Act to be enrolled as relates to any Description of the Witness or Witnesses to any Deed, Instrument, or Assurance: May it therefore please Your Majesty that it may be enacted and declared; and be it enacted and declared 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 by the said Act of the Fifty-third Year of the Reign of His said late Majesty, no further or other Description of the subscribing Witness or Witnesses to any Deed, Bond, Instrument, or other Assurance, whereby any Annuity or Rent Charge is or may be granted, is required in the Memorial thereof, besides the Names of all such Witnesses; and so the said Act shall be deemed, construed, and taken.

No further Description of Witnesses is necessary in the Memorial of Annuities than the Names of such Witnesses.

II. And whereas Doubts have also arisen, whether under the said Act of the Fifty-third Year of the Reign of His said late Majesty, the Omission to enrol a Memorial of any one of the Assurances for securing any Annuity or Rent Charge does not vitiate the whole Transaction, notwithstanding the Enrolment of a Memorial of another Deed, Bond, Instrument, or other Assurance granting the same; and it is also expedient to remove such Doubts: Be it therefore further enacted and declared, That every Deed, Bond, Instrument, or other Assurance granting any Annuity or Rent Charge, and of which a Memorial shall have been or shall be duly enrolled pursuant to the said Act, notwithstanding the Omission to enrol any other Deed, Bond, Instrument, or Assurance for securing such Annuity or Rent Charge, shall be valid and effectual, according to the Intent, Meaning, and true Effect thereof, notwithstanding a Memorial of any other Deed, Bond, Instrument, or Assurance for securing the same Annuity shall not have been duly enrolled pursuant to the said Act.

Deed granting Annuity, a Memorial of which having been enrolled, shall be valid, notwithstanding the Omission of enrolling any other Deed for securing such Annuity.

III. Provided always, and be it further enacted, That nothing herein contained shall extend to give any other Force or Validity to any Deed, Bond, Instrument, or other Assurance of which a Memorial shall have been duly enrolled as aforesaid, than such Deed, Bond, Instrument, or other Assurance would have had if any Deed, Bond, Instrument, or other Assurance for securing the same Annuity, of which a Memorial shall not have been duly enrolled, had never been executed.

Act not to give any additional Validity to any Deed.

IV. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to revive or give Effect to any Deed, Bond, Instrument, or other Assurance, whereby any Annuity or Rent Charge hath been already granted, so far as the same hath been adjudged, declared, treated, or deemed void by any Judgment, Decree, Action, Suit, or Proceeding at Law or in Equity, or by any Acts or Deeds of the Parties thereto, or by any other legal or equitable Means whatsoever; nor shall this Act affect or prejudice any Suit or Proceeding at Law or in Equity, commenced on or before the Thirty-first Day of *May* One thousand eight hundred and twenty-two,

Act not to give Effect to any Deed declared void, or affect any Proceedings at Law.

two, and now depending, upon the Ground of an alledged Defect in the Memorial thereof, in not describing the Witnesses thereto otherwise than by his, her, or their Name or Names, for avoiding any such Deed, Bond, Instrument, or other Assurance.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1822.