



Duchy of Lancaster Act 1779

1779 CHAPTER 45 19 Geo 3

An Act to enable the Chancellor and Council of the Duchy of *Lancaster* to sell and dispose of certain Fee-farm Rents, and other Rents, and to enfranchise Copyhold and Customary Tenements, within their Survey, and to encourage the Growth of Timber on Lands held of the said Duchy.

Preamble. Recital of two Acts 22 and 23 Car. II; and of an Act 1 Annæ

” Whereas by an Act of Parliament, passed in the twenty-second Year of the Reign of his late Majesty King *Charles* the Second, intituled *An Act for advancing the Sale of Fee-farm Rents and other Rents*; and by another Act, passed in the twenty-second and twenty-third Years of the same King, intituled, *An Act for vesting certain Fee-farm Rents and other small Rents, in Trustees*; or one of them, all the Fee-farm Rents, Rents Service, Rents Seck or Dry Rents, Chantry Rents, Guild Rents, Castle Guard Rents, and other Rents, within the Survey of the Duchy of *Lancaster*, due and payable to the said late King, his Heirs and Successors (except as therein mentioned), were vested in certain Trustees, and their Heirs, with Powers for them to make Sale thereof, for the Benefit of the said King, his Heirs and Successors, with a Proviso therein contained, that until Sale should be made of the said Rents by the said Trustees, the King’s Receivers should collect and receive the same: And whereas, by the Crown^{M1} Lands Act 1702 divers wholesome Provisions were made for the Preservation, Improvement, and Increase of the Land Revenues of the Crown, and for preventing the Alienation of any Manors, Messuages, Lands, Tenements, Rents, Tythes, Woods, or other Hereditaments, belonging to her said late Majesty, her Heirs or Successors, with a Proviso therein contained, that the said Act should not disable the Trustees for Sale of Fee-farm and other Rents, to execute any the Trusts of the said several Acts of Parliament herein-before mentioned: And whereas several of the said Rents within the Survey of the said Duchy of *Lancaster* were sold under the said Authority so given to the said Trustees, but the Residue thereof, consisting of many small Rents, arising and payable in divers Counties, remain unsold, the collecting and Payment whereof is not only chargeable to the Crown, but is troublesome and inconvenient to the Subject; but forasmuch as the said Trustees, who were six in Number, are all long since dead, and it has not been discovered which of them was the Survivor, or who is or are the Heir or Heirs of such Survivor, or in whom the legal Estate in the said unsold Rents is now vested, for which Reasons no complete Sale thereof can be effected, nor a good Title made thereto, without the further Aid of Parliament: And whereas the King’s Majesty is seised to himself, his Heirs and Successors, as Parcel of the Possessions of the said Duchy of *Lancaster*, of divers Honours, Manors, and Lordships, within which are divers Tenants holding

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of his Majesty Customary or Copyhold Messuages, Lands, and Tenements, Parcel of the said Honours, Manors, or Lordships, in respect of which said Messuages, Lands, and Tenements, the said Tenants are subject upon Descent or Alienation thereof, to the Payment of Fines, either arbitrary or certain, Heriots, Reliefs, and other Dues, according to the respective Customs of the said Honours, Manors, or Lordships, over and besides the yearly Quit-Rents issuing and payable thereout: And whereas it would tend greatly to the Relief of the said Tenants, and to the Improvement of their respective Estates, if the same could be enfranchised and discharged from the said Burthens incident to their respective Tenures; but the same cannot be done without the Aid of Parliament:”

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)
C2 Act amended by [Duchy of Lancaster Act 1787 \(c. 34\)](#)

Marginal Citations

- M1 [1702 c. 1.](#)

II Fee-farm Rents, &c. remaining unsold by the Trustees, to be in the Possession of his Majesty, &c.

All and singular the said Fee-farm Rents, and other Rents whatsoever, remaining unsold by the said Trustees, as aforesaid, and now in the Survey or Receipt of the said Duchy, or the Officers thereof, shall be, and the same are hereby declared to be, in the actual Seisin and Possession of our Sovereign Lord the King, his Heirs and Successors, as Parcel of the Possessions of his said Duchy of *Lancaster*, in as full and ample Manner, to all Intents and Purposes, as if the said recited Acts had not been made.

III Chancellor and Council of the Duchy of Lancaster impowered to sell the said Fee-farm Rents, &c.; but not for less than 25 Years Purchase.

It shall and may be lawful to and for the Chancellor and Council of the Duchy of *Lancaster* for the Time being, to sell and dispose, and thereupon to grant and assure, in the Name of the King’s Majesty, his Heirs and Successors, under Seal of the said Duchy, unto or to the Use of the respective Purchasers of the said Rents, and to their Heirs for ever, all and singular Fee-farm Rents, Rents Service, Rents Seck or Dry Rents, Quit Rents, Chantry Rents, Guild Rents, and other Rents, due and payable to the King’s Majesty, as Parcel of the Possessions of his said Duchy, and now being within the Survey and Receipt of the said Duchy, and the Officers of the same, at and for such Considerations in Money as the said Chancellor and Council shall think fit, . . . ^{F1}; and the several Grants and Assurances of any such Rent or Rents, to be so made under the Seal aforesaid, being inrolled in the Court of the Duchy Chamber of *Lancaster*, within twelve Calendar Months next after the respective Dates thereof, shall be good, valid, and effectual in the Law, unto the respective Grantees and their Heirs; and that all and every Person and Persons, Bodies Politic and Corporate, his and their Heirs, Successors, and Assigns, having and taking any such Grant or Assurance, and causing the same to be inrolled as aforesaid, shall, by Force and Virtue of this Act, be adjudged to be in the actual Seisin and Possession of the Rent or Rents so purchased and conveyed, and shall hold and enjoy the same in perfect Peace, freed and discharged of and from all Claims and Demands which can or may be made by his Majesty, his Heirs or Successors, or by any Person or Persons claiming any Estate,

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Right, or Interest, by, from, or under, the said Trustees, or the Survivor of them, and of and from all Manner of Incumbrances whatsoever, heretofore had or charged upon the same Rents, and as fully and amply as his Majesty, his Heirs or Successors, or the said Trustees, or the Survivor of them, or his Heirs, might or could have held or enjoyed the same; and shall have and enjoy, under their said respective Purchases, all and every the Benefits and Advantages for the Recovery thereof, and the Arrears thereof, as are or were given or allowed to Purchasers of any Rent or Rents in and by the said Act of the twenty-second Year of King *Charles* the Second, and by the said other Act of the twenty-second and twenty-third Years of the same King, and in as large and ample Manner and Form as if such Purchasers had purchased the said Rents under the Trustees appointed or authorised in and by, or under and by virtue of the Powers contained in the said Acts, or either of them.

Textual Amendments

F1 Words repealed by [Duchy of Lancaster Act 1787 \(c. 34\)](#)

IV **F2**

Textual Amendments

F2 [S. 4](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt.VII](#)

V Form of Grants.

All such Grants and Assurances shall and may be made in the following Form of Words, or as nearly thereto as may be; (that is to say,)

”*GEORGE* the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth; To all to whom these our present Letters shall come, Greeting: Know ye, that we, in Consideration of the Sum of lawful Money of *Great Britain*, paid into the Hands of our Receiver-general of the Revenues of our Duchy of *Lancaster* (as appears by the Receipt of the said Receiver-general indorsed on these Presents), and by and with the Advice and Consent of our Chancellor and Council of our said Duchy, do by these Presents grant, bargain, and sell, unto *A. B.* his Heirs and Assigns, all that Rent of [*expressing the Rent or Rents*] issuing and payable out of [*briefly describing the Lands or Tenements chargeable*] now or late paid or payable by [*mentioning the Person or Persons, as the Case may be;*] To have and to hold the said Rent [*or Rents*] hereby bargained and sold, and all Benefits and Advantages thereunto belonging, unto and to the Use of the said *A. B.* his Heirs and Assigns, for ever; [*In case there be any subsiding Lease of the Rent or Rents sold, Words to the following Effect are to be added,*] subject nevertheless to the Term and Interest in the said Rent or Rents now outstanding, by virtue of a Lease, granted under the Seal of our said Duchy, bearing Date on or about [*expressing the Date,*] unto [*expressing the Lessee,*] for a Term of [*as the Case may be,*] which will expire on or about [*expressing the Time when the Lease will expire.*] In witness whereof, &c.’

VI **F3**

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Textual Amendments

F3 Ss. 6, 8, 9 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. VII

VII The aforesaid Grants, &c. under the Seal of the Duchy, to be valid in Law.

The said several and respective Grants, Conveyances, and Assurances, in the respective Forms aforesaid, under the Seal of the said Duchy, shall be good, sufficient, valid, and effectual in the Law, for granting and assuring the said Rents unto the several Purchasers thereof, and their Heirs for ever, . . . ^{F4}; any Thing contained in the ^{M2}said recited Crown Lands Act 1702 to the contrary thereof notwithstanding; and that the Inrolment of the said Grants, Conveyances, and Assurances, in the Court of Duchy Chamber of *Lancaster*, shall be of the same Force and Validity as Inrolments of Bargains and Sales in [^{F5}the High Court]

Textual Amendments

F4 Words repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. VII

F5 Words substituted by virtue of Supreme Court of Judicature (Consolidation) Act 1925 (c. 49), s. 224(1)

Marginal Citations

M2 1702 c. 1 1 Ann.).

VIII,^{F6}
IX.

Textual Amendments

F6 Ss. 6, 8, 9 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. VII

X Grants, &c. where the Consideration shall not exceed 10*l.* not subject to Stamp duty.

Where the Money to be paid as the Consideration for any such Grant, Conveyance, or Assurance, shall not exceed the Sum of ten Pounds, such Grants, Conveyances, and Assurances, under the Seal of the said Duchy, shall be subject to no Stamp-duty for the same; and where the Consideration Money to be paid shall exceed ten Pounds, that the said Grants, Conveyances, and Assurances, shall be subject only to such Stamp-duty as is or are, or hereafter may be by Law requisite for any Deeds, whereby Lands, Tenements, or Hereditaments, are conveyed.

XI^{F7}

Textual Amendments

F7 S. 11 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. VII

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XII Grants to be made at the Expence of the Grantees, Officers Fees.

The Grants and Assurances to be made under the Seal aforesaid by virtue of this Act, shall be sued forth and inrolled in Manner herein-before directed, at the Expence of the respective Grantees therein to be named; and that the several Fees hereafter mentioned, and no more, shall be charged for the same by the Officers of the said Duchy; (that is to say,)

<i>For Grants of Rents.</i>	<i>For the Grant of a single Rent.</i>	<i>For every additional Rent in the same Grant.</i>
	<i>l. s. d.</i>	<i>l. s. d.</i>
To the Register, for drawing and entering the Order for every Contract	0 5 0	0 1 0
To the Auditor, for the Particular and Certificate for the Grant	0 5 0	0 3 0
To the Clerk of the Council, for drawing, ingrossing, and inrolling the Grant	0 10 0	0 5 0
For Parchment 1s. (or its real Cost, if exceeding 1s. besides the Stamp-duty, if any required)	0 1 0	0 0 0
T. the Sealer, for the Seal and Wax	0 4 0	0 1 0
Total of Fees for a Grant of a single Rent	1 5 0	
And for every additional Rent contained in the same Grant		0 10 0
<i>For Assurances for the Enfranchisement of Copyhold or Customary Tenements.</i>	<i>The whole Charge, when the Descriptions of the Parcels do not exceed sixty Words.</i>	<i>The further Charge for every thirty Words in Excess, where the Descriptions of the Parcels necessarily exceed sixty Words.</i>
	<i>l. s. d.</i>	<i>l. s. d.</i>
To the Register, for drawing and entering the Order for every Contract	0 5 0	0 1 0
To the Auditor, for the Particular and Certificate	0 5 0	0 5 0

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To the Clerk of the Council, for drawing, ingrossing, and inrolling the Assurance	0 10 0	0 1 0
For Parchment 1s. (or its real Cost, if exceeding 1s. besides the Stamp-duty, if any required)	0 1 0	0 0 0
To the Sealer, for the Seal and Wax	0 4 0	0 0 0
Total for every Assurance, where the Descriptions of the Parcels do not exceed sixty Words	1 5 0	
Total for every thirty Words in Excess, where the Descriptions of the Parcels exceed sixty Words		0 3 0

Modifications etc. (not altering text)

- C3** References to amounts in old currency to be read as referring to equivalents of those amounts in new currency: [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- C4** [S. 12](#) so far as it relates to assurances for enfranchisement repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)

XIII Monies to arise by Sale of Rents, or by Enfranchisement, to be paid to the Receiver-general; and laid out in the Purchase of Stock, in the Name of the Duchy of Lancaster.

All the Monies to arise by Sale of the said Rents, . . . ^{F8}, under and by virtue of this Act, shall be paid into the Hands of the Receiver-general of the Revenues of the Duchy of *Lancaster* for the Time being, and his Successors; and that the Purchasers shall not be liable to fee to the Application thereof, but that the Receipts and Acquittances of the said Receiver-general for the said Monies, shall be a full Discharge to the Purchasers for the same; and the said Monies shall from Time to Time, as the same shall be paid in and received, be laid out, by the Order of the said Chancellor and Council, in the Purchase of three *per Centum* Bank Consolidated Annuities, or in any of the public Funds, transferrable at the Bank of *England*, in the Name of the Duchy of *Lancaster*; in which Name the Governor and Company of the Bank of *England* are hereby authorised and required to permit Transfers to be made of the said Annuities, Funds, or Stock, so purchased, and such Transfers to be accepted by the Receiver-general of the Revenues of the said Duchy for the Time being, who is hereby required to accept the same accordingly; and that all and every the Annuities, Fund, or Stock, to be so purchased and accepted, shall remain invested in the Name of the Duchy of *Lancaster*, and shall not be transferred, or transferrable, without the Authority of Parliament; but all the Interest of the said Annuities, Funds, and Stock, shall be from Time to Time paid, by the said Governor and Company of the Bank of *England*, unto the Receiver-general of the said Duchy for the Time being, and his Successors (whose

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Receipts shall be a sufficient Discharge for the same), as Parcel of the Revenues of the said Duchy, and shall be charged upon, and be answered and accounted for by him to the King's Majesty, his Heirs and Successors, accordingly, subject to all such Charges, Incumbrances, and Outgoings, if any such there be (Taxes only excepted), as the said Rents now are, or would have been chargeable with or subject unto in case this Act had not been made.

Textual Amendments

F8 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)

XIV Clause for encouraging the Growth of Timber.

And whereas divers Lands and Tenements, Parcel of the said Duchy of *Lancaster*, are held by sundry Persons, by virtue of Grants from the Crown under the Seal of the said Duchy, in Fee-farm, in some of which Grants all Timber and other Trees to arise and grow in the Lands thereby granted, are excepted and reserved to the Crown: And whereas divers other Lands, Parcel of the said Duchy, are held by Leases granted under the Seal thereof for Terms of Life or Years, wherein all Timber and other Trees are also excepted and reserved to the Crown: And whereas sundry Parts of the said Lands so held in Fee-farm or by Lease, would, if planted for the Production of Wood and Timber, produce a greater Profit than in a Course of Husbandry; and if the respective Fee-farmers and Lessees thereof were to be benefited by raising and planting Trees for Timber and other Purposes thereon, they might be encouraged so to do, to the great Utility of the Public; it shall and may be lawful to and for the said Chancellor and Council to contract with the Owners of Lands, held of the said Duchy in Fee-farm, for the absolute Sale of all Timber Trees and other Trees growing, or hereafter to grow or arise, in or upon such Lands respectively, at and for such Prices or Considerations as shall be agreed upon and mentioned in and by such Contracts respectively; and thereupon to grant, fell, and release, under the Seal of the said Duchy, in the Name of his said Majesty, his Heirs and Successors, unto the said several and respective Owners of such Fee-farm Lands, and their Heirs for ever, all and singular the said Timber Trees and other Trees, which in and by such Fee-farm Grants are or were excepted and reserved to the Crown; and that such Contracts, Grants, Sales, and Releases, shall be valid and effectual unto such respective Owners of the said Fee-farm Lands, for granting, felling, and releasing, unto them and their Heirs for ever, all such Timber Trees and other Trees, any Law or Usage, or any Thing contained in such Grants of Lands in Fee-farm, to the contrary thereof notwithstanding.

XV Chancellor and Council may authorise the Surveyors of Woods to agree with Lessees relating to the Sale of Timber Trees, &c.

It shall and may be lawful to and for the said Chancellor and Council, by their Order to be made in Court of Revenue, to authorise and direct the Surveyors of the Woods for the South and North Parts respectively of the said Duchy for the Time being, to treat with, and to enter into any Contract or Agreement on the Part of his Majesty, his Heirs and Successors, to and with such Lessee or Lessees, for securing unto such Lessee or Lessees, and his, her, and their Executors, Administrators, and Assigns, such a fair and reasonable Allowance or Proportion of all Monies which shall, at any Time during the Term and Interest of such Lessee or Lessees under their respective Leases, arise by Sale of Timber Trees, or other Trees, or Wood, within the Lands so to be held and occupied by him, her, or them, as shall be settled and agreed upon

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between the said Surveyors respectively, and the said Lessee or Lessees or any of them; and also for allowing unto such Lessee or Lessees, at the End and Expiration of their respective Leases, a like fair and reasonable Allowance and Proportion in Money for all Timber and other Trees which shall be then left standing and growing in and upon their respective Farms, according to the Value of such Timber and other Trees respectively; which Agreements, being confirmed by Order of the said Chancellor and Council, shall be valid and effectual to all Intents and Purposes whatsoever.

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