



Duchy of Lancaster Act 1808

1808 CHAPTER 73

An Act to improve the Land Revenue of the Crown in *England*, and also of His Majesty's Duchy of *Lancaster*. [18th June 1808]

WHEREAS an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of Fee Farm and other unimproveable Rents*; and it is expedient, that further provisions should be made for the better Management of the Land Revenues of the Crown within the ordering and Survey of the Exchequer, and of the Duchy of *Lancaster* ;

be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the. Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

His Majesty may grant Leases of Lands for Gardens, to be used with Houses built either on Crown Lands or others.

That where any Land or Ground belonging or hereafter to belong to His Majesty, His Heirs or Successors, within the ordering and Survey aforesaid shall be deemed by the Lord-High Treasurer or Commissioners of; the Treasury, or the Chancellor of the Duchy of *Lancaster* for the Time being, fit and proper for Gardens, Yards, Curtilages and other Appurtenances to be used and enjoyed with any House or Houses. or Buildings erected or to be erected upon Ground belonging , either to His Majesty, His Heirs or Successors, or to any other Proprietors, it shall be lawful for His Majesty, His Heirs or Successors, to demise or .grant such Land or Ground to any Person or Persons, or to any Bodies Politick or Corporate, under the Great Seal of *Great Britain*, or the Seal "of the Exchequer, or the Seal of the Duchy and County Palatine of *Lancaster*, for any Term or Estate not exceeding Ninety-nine Years to be computed from-the Date or making of any such Lease or Grant reflectively ; or if any such Lease or Grant be made to take effect in Reversion or Expectancy, then that the Term and Estate thereby to be granted, together with the Term or Estate, Terms or Estates in Possession of and in the same Lands and Ground shall not exceed Ninety-nine Years, computed from the Date or making thereof as aforesaid.

II Land for Garden not to be granted for longer time than the Term of the House to which it is to be attached.

Provided always, and be it further enacted, That no Land or Ground for Garden, Yard, Curtilage or other Appurtenance to be used and enjoyed with any Houses or Buildings holden or to be holden under any Lease from His Majesty or His Royal Predecessors, shall be granted or demised for -any Term or Estate exceeding in Duration the Term or Estate for which the Houses or Buildings to which such Land or Ground shall be so attached as Garden, Yard, Curtilage or other Appurtenance shall be holden.

III No Lease for Lives of Crown Lands to be granted in future.

And be it further enacted, That from and after the passing of this Act no Lease of any Land or Ground belonging or hereafter to belong to His Majesty, His Heirs or Successors, within the ordering and Survey of the Exchequer in *England*, shall in future be granted for any Life or Lives; any Thing in any former Act of Parliament to the contrary notwithstanding excepting only such Lease or Leases for Lives, as in and by a certain Act passed in the Forty-fourth Year of His Majesty's Reign, intituled, *An Act for inclosing Lands in the Parish of Great Staughton in the County of Huntingdon*, is and are authorized to be granted.

IV Grown Leases for Gardens may be renewed, as the Leases of Houses may under Act 34 G.3 c.75.

Provided always, and be it further enacted, That it shall be lawful to renew any Leases of such Land or Ground demised or granted under the Authority -of this Act, for Garden, Yard, Curtilage and other Appurtenances to be used and enjoyed with any Houses or Buildings, at such Times and upon such Terms, and under and subject to the same Rules, Restrictions, and Provisions, as are prescribed by the said recited Act of the Thirty-fourth Year of His present Majesty or by this Act, for the Renewal of Leases of any Tenements and Hereditaments authorized thereby respectively,- to be granted for a Term not exceeding Ninety-nine Years Provided always, that where any such Land shall be held and used under this Act as, a Garden, Yard, Curtilage or other Appurtenance to any Houses or Buildings holden under any Lease from the Crown, it shall be lawful to renew the Lease of such Land at the same Time as the Lease of such Houses and Building are renewed, and for the same Term and under the like Conditions.

V Leases may be renewed at any Time, as far as relates to Lands deemed proper for Gardens.

Provided also, and be it further enacted, That whenever Lands or Grounds, or Part of any Lands or Grounds held under any Lease or Grant from His Majesty or His Royal Predecessors, shall have been or be deemed proper and fit as aforesaid for Gardens, Yards, Curtilages or other Appurtenances as aforesaid, it shall be lawful at any Time during the Continuance of the Demise of any such Lands or Grounds, to renew the Lease or Grant thereof, or of such Part thereof as aforesaid, under such Provisions and Conditions as are herein-before prescribed, for the Demise or Grant of any Land or Ground to be used as a Garden, Yard, Curtilage or other Appurtenance,

VI Surveyor General may, with the Consent of the Treasury, purchase Leases of Premises for the Public Service.

Provided always, and be it further enacted, That it shall be lawful for the said Surveyor General, with the Approbation of and by the Direction of the Lord High Treasurer or Commissioners of the Treasury for the Time being, or any Three of them, to contract and agree with any Body or Bodies Politick or Corporate, or Person or Persons holding any Messuages, Lands, Premises, Tenements, or Hereditaments belonging to the Crown, for the Surrender of any Lease thereof, or to purchase and buy up any Lease, or the Remainder of any Term of any Lease of any Messuages, Lands, Premises, Tenements, or Hereditaments belonging to the Crown, which may be convenient for the publick Service, and may, by any Three or more of the Commissioners of the Treasury for the Time being, be deemed eligible to be purchased or bought up, and to pay the Consideration agreed to be paid for such Surrender or Purchase to the Body or Bodies, or Person or Persons entitled thereto, out of any Money arising from any Sales heretofore made, and which may be verted in the Bank or *England* in the Three Pounds *per Centum* Consolidated Bank Annuities, or which may hereafter arise from any Sale of any Property belonging to the Crown, under this Act, or the said recited Acts as aforesaid.

VII Powers of Renewal in renewable Cafes, where Leases surrendered.

And whereas by the said recited Act, new Leases to be granted upon the Surrender of any subsisting Lease are limited to the said Term of Years as was granted by such surrendered Lease; and it may be doubtful in Cafes wherein a Power is given by the said recited Act, to renew any Lease or Grant, whether if the subsisting Lease be surrendered the same can be renewed for a longer Term than was granted by such surrendered Lease; be it therefore enacted and declared, That in ail Cafes in which any Lease or Grant of any Lands, Houses, Tenements, or Hereditaments may be renewed under the said recited Act or this Act, it shall be lawful to make any new Lease or Grant of such Premises upon the Surrender thereof, for such Term and upon the same Conditions as if the same had been renewed under the Provisions of the said recited Act or this Act, and had not been first surrendered.

VIII Expences of new Leases, upon Surrender of subsisting Leases, to be paid for by Lessees.

And be it further enacted, That all Charges and Expence, of any hew Lease or Grant made upon the Surrender of any subsisting Lease of Grant under the said recited AO: of the Thirty-fourth Year of His present Majesty, mall be borne and defrayed by the Lessees or Grantees thereof reflectively.

IX Surveyor General empowered to authorize the making nunc pro tunc Enrolments, Entries, or Dockets of Leases, omitted to be made within the proper Time.

And be it further enacted, That in all Cafes where the Enrolment of any Lease or Assignment, or Minute or Dockets thereof before the Auditor of the Land Revenue, or the Auditors of the Duchy of *Lancaster*, or the Entry of any Lease or Assignment, or Minute or Docket of any Lease or Assignment, in the Office, of the said Surveyor General, or Auditors of the laid Duchy, has been or shall be omitted or delayed beyond the Period limited in any such Lease, it shall he lawful for the Chancellor of the said. Duchy of *Lancaster*, or the said Surveyor General, for any reasonable Cause to them

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or either of them shewn for the omission or Delay, and they and each, of them are and is hereby empowered to authorize and permit the making of any such Enrolment or Entry *nunc pro tunc*; and the same respectively when made under such Authority shall be as valid and effectual as if made within the Period limited for that Purpose.

X Duchy of Lancaster may sell certain Lands. Application of the Purchase Money.

And whereas by an Act passed in the Thirty-eighth Year of His present Majesty, intituled, *An Act for making perpetual, subject to Redemption and Purchase in the Manner therein fated, the several Sums of Money now charged in Great Britain as a Land fax for One Year, from the Twenty-fifth Day of March One thousand seven hundred and ninety-eight*; and by another Act passed in the Forty-second Year of His present Majesty, intituled, *An Act for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into One Act, and for making further Provision for the Redemption and Sale thereof, and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements, the Land Tax upon which shall have been redeemed or purchased*; the Chancellor and Council of the Duchy of *Lancaster* for the Time being is empowered to fell and dispose of, and thereupon to grant and allure in the Name of His Majesty, His Heirs and Successors, under the Seal of the said Duchy of *Lancaster*, such and so much of the Manors, Messuages, Lands, Tenements, Tythes, Mines, Minerals, Collieries, Woods, Wood Grounds, Fens, Marshes, or Waste Lands belonging to the Crown, as are within the Survey and Receipt of the said Duchy, as would raise a Sum sufficient for the Redemption of the Land Tax charged oh the Revenues belonging to the Crown, within the Survey and Receipt of the" said Duchy;: And whereas it may be expedient, that Power should be continued in the said Chancellor and Council to fell such Portion of the said Revenues as. shall be the lead productive in proportion to their Value before or after the said Land Tax charged upon the Revenues belonging to-the said Duchy shall have been redeemed; be it therefore enacted, That it shall be lawful for the Chancellor and Council of the said Duchy of *Lancaster* for the Time being, to fell and dispose of to any Person or Persons, Bodies Politick, or Corporate, from Time to Time, and thereupon to grant and assure in the Name of His Majesty, His Heirs and Successors', under the Seal of the said Duchy, such Manors or Lordships belonging to the Crown, as are within the Survey and Receipt of the said Duchy as consist of the Manerial Rights without any Lands, or with very small Quantities of Land belonging to them, and where the greater Part of the Lands over which the Manerial Rights extend is the Property of individuals, and of Manors or Lands of which His Majesty in Right of His Duchy as, aforesaid, is not the sole Proprietor, but is entitled to an undivided Share jointly with Individuals, and intermixed with the property of Individuals, and lying remote from other Property belonging to the Crown, and of Ground or Buildings appertaining or antiently held with any castle or strong Building now or lately used for a Common Gaol, or with any Builuing used for holding the Assizes or Sessions in any County or District, or for the Court House or Gaoler's House, or in which the Magistrates for any County or District may claim to have Rights from the Length of use or Enjoyment for the publick Purposes of such County or District and of Tythes belonging to the Crown;, within the Survey of the said Duchy aforesaid, issuing out of Lands, which are the Property of Individuals, .and of Mills, Fisheries, Ferries, Lolls, and Stalls of Markets and Fairs, and Wastes belonging to the Crown, within the Survey of the. Duchy aforesaid, upon or from which Usurpations or Incroachments have been made by Individuals, for the belt Prices or Considerations in Money which the said Chancellor and Council shall be able to procure for the same, and the Purchase Money to be paid for the same shall from Time to Time be paid into the Hands of the Receiver

General of the Revenues of the said Duchy, in the like Manner as the Monies arising from the Sale of Lands of the Duchy authorized by the said recited Acts of the Thirty-eighth and Forty-second Years of His present Majesty are directed to be paid ; and all Sales made under this Act of the Property herein-before described, shall be made in the same Manner and Form, and under the like Rules, Regulations, and Provisions, and shall be to all Intents and Purposes as valid and effectual as if the same had been made under the said Acts of the Thirty-eighth and Forty-second Years of His present Majesty, or either of them.

XI Surveyor General may sell the Premises herein mentioned. Application of the Purchase Money.

And whereas by an Act passed in the Thirty-eighth Year of His present Majesty, intituled, *An Act for making perpetual, subject to Redemption and Purchase in the Manner therein fated, the several Sums of Money now charged in Great Britain as a Land Tax for One Tear, from the Twenty-fifth Day of March One thousand seven hundred and ninety-eight*; and another Act passed in the Forty-second Year of His said present Majesty, intituled, *An Act for consolidating the Provisions of the several sifs passed for the Redemption and Sale of the Land Tax into One Act, and fir making further Provision for the Redemption and Sale thereof, and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements, the Land Tax upon which shall have been redeemed or purchased*; the said Surveyor General of the Land Revenues of the Crown for the Time being was empowered to contract for the Sale, from Time to Time, of such or so much of the Manors, Messuages, Lands, Tenements, Tythes, Mines, Minerals, Collieries, Woods, Wood Grounds, Fens, Marshes, or Waste Lands belonging to the Crown, within the Survey or Receipt of the Exchequer in *England*, as would raise a Sum sufficient for the Redemption of the Land Tax charged on the Land Revenue belonging to the Crown: And whereas in pursuance of the said recited Provision, certain Parts of the Property of the Crown which are least productive in Proportion to their Value, have been selected for the Purpose of being fold, and a large Part thereof has actually been fold to great Advantage, and the Augmentation of the Land Revenue of the Crown ; but a considerable Portion of the different Kinds of Property so selected for Sale will Hill remain undisposed of, after the necessary Fund for the Redemption of such Land Tax shall have been raised ; and it is expedient that Power should be continued .to the said Surveyor General to fell the said Portion of Property so remaining undisposed of under the said recited Acts, and to make further Sales of Property of the like Description ; be it therefore enacted, That it shall be lawful for the said Surveyor General for the Time being, to contract or .agree with any Person or Persons, or any Bodies Politic or Corporate, for the Sale from Time to Time of such Manors or Lordships belonging to the Crown as consist of Manerial Rights and Quit Rents, without any Lands or with very small Quantities of Land belonging to them ; and where the greater Part of the Lands over which the Manerial Rights extend is the property of Individuals, and of Manors or Lands of which His Majesty is not the sole Proprietor, but is entitled to an undivided Share jointly with Individuals, and of Lands dispersed in small Quantities, and intermixed with the Property of Individuals, and lying remote from other Property belonging to the Crown, and of Grounds or Buildings appertaining to or anciently held with any Castle or strong Building now or lately used for a Common Gaol, or with any Building used for holding the Affixes of Sessions in any County or District, or for a Court House or Gaoler's House, Or in which the Magistrates of any County or District may claim to have Rights from Length of Use or Enjoyment for the public Purposes of such ' County or District, and of Tythes belonging to the Crown issuing out of

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Lands which are the Property of Individuals, and of Mills, Fisheries, and Ferries, and Mooring Chains and Wastes belonging to the Crown, the Possession of which has been usurped or encroached upon, for the best Prices or Confederations in Money which the laid Surveyor General shall be able to "procure for the same, and the Purchase Money to be paid far the same shall from Time to Time be paid into the Bank of *England* to the Account of the Commissioners of His Majesty's Treasury, in like Manner as the Monies arising from the Safes of Land Revenue authorized by the said recited Acts of the Thirty-eighth and Forty-second Years of His present Majesty are directed to be paid ; and all Sales made under this Ads. of the Property herein-before described, shall be made in the same Manner and Form, and under the like Rules, Regulations, and Provisions and, shall be to all Intents and Purposes as valid and effectual as if the same had been made under the said recited Acts of the Thirty-eighth and Forty-second Years of His present Majesty, or either of them.

XII Duchy of Lancaster and Surveyor General empowered to order Investment in Three per Cent. Consols or Three per Cent. Reduced.

Provided always, and be it further enacted, That it wall he lawful for the, said Chancellor and Council of the said Duchy, and the said Surveyor General to order and direct that the Purchase Monies which shall hereafter arise by Sales to be made of Property belonging to His Majesty, His Heirs and Successors, within the ordering and Survey, aforesaid, under the said recited Acts of the Thirty-eighth and Forty-second Years of His present Majesty, or under this Act (excepting only as far as it relates to Enfranchisements of Copyholds and Sales of Manerial Rights respectively), and which shall be paid into the Bank of *England* under the Directions of any of the Three last mentioned Acts, shall be laid out in the Purchase either of Three Pounds *per Centum* Consolidated Bank Annuities, or Three Pounds *per Centum* Reduced Annuities, in the Names of the Commissioners of His Majesty's Treasury, or in the Name of the Duchy of *Lancaster*, in like Manner in all Respects as is prescribed in the said recited Acts of the Thirty-eighth and Forty-second Years of His present Majesty, with relation to Purchases of Three Pounds *per Centum* Consolidated Bank Annuities under those recited Acts reflectively, and the Capital Stock purchased under the Provisions of this Act, whether Three *per Centum* Consolidated Bank Annuities, or Three *per Centum* Reduced Annuities, and the Interest or Dividends arising therefrom, shall be subject to be disposed of and applied in the same Manner, to the same Purposes, and under the same Rules, Regulations, and Provisions, as are prescribed in the said recited Acts of the Thirty-eighth and Forty-second Years of His present Majesty, with respect to Stock purchased by Sales of any of the said Land Revenues authorized by the said last-mentioned Acts, and with respect to the Dividends and yearly Interest arising therefrom.

XIII Surveyor General empowered to contract for the Enfranchifement of Copyholds, and Safe of Manerial Rights be longing to Manors of the Crown.

And be it further enacted, That it shall be lawful for the said Surveyor General for the Time being, to contrail and agree with any Person or Persons, or Body or Bodies Politic or Corporate, being Tenant or Tenants; of any Copyhold or Customary Tenements, Parcel of or holden of any Manor belonging to the Crown, within the Survey or Receipt of the Exchequer in *England*, for the Enfranchifement of any such Copyhold Tenements, of with any Person or Persons (though not such Tenants of any such Copy-, hold Tenements) for the Sale of the Manerial Rights belonging to the Crown therein, at or for the best Prices or Confederations in Money which the said Surveyor General

shall or may be able to procure for the same, and which shall be approved of by the Lord High Treasurer or Commissioners of the Treasury for the Time being, and the Tenements so agreed to be enfranchised, or upon which the Manerial Rights shall have been so contracted for, and the Consideration to be paid for the same, shall be specified in a Certificate to be granted for that Purpose, and the Consideration Monies so to be paid shall be accepted, and Receipt given for the same, and the said Certificate and Receipt shall be enrolled, and the Enrolment thereof, shall be attested in the same Form and Manner, and under the same Rules, Regulations, and Provisions reflectively (except where it is otherwise provided by this Act as are contained in the said recited Act of the Thirty-fourth Year of His present Majesty, with relation to the Conveyance of Fee Farm Rents to the Purchasers thereof under that Act; and such Certificate and Receipt shall also, in the Court Rolls of the Manor under which; the Tenement to: which the same relates is holden, be enrolled by the Steward of such Manor or his lawful Deputy, who is hereby required forthwith to enrol such Certificate and Receipt upon the Production thereof to him, and having enrolled the said Certificate and Receipt as aforesaid shall attest the same under his Hand, and return the said Certificate and Receipt to the Purchaser or Purchasers; and from and immediately after such Enrolments, and thenceforth for ever, the respective Copyhold Tenements included in any such Certificate, relating to the Enfranchisement thereof, shall be enfranchised, and the Tenants thereof respectively shall hold the same 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 lawfully claiming by, from, or under them, as Lords of the Manor to which such Tenements before the Enfranchisement thereof belonged, and as fully and amply to all Intents and Purposes as His Majesty, His Heirs or Successors, might or could have held or enjoyed the same; and from and immediately after such Enrolments and thenceforth for ever, the respective Purchasers of any Manerial Rights mentioned in any such Certificate, relating to the Purchase thereof, and their Heirs and Assigns, shall by force of this Act be adjudged, deemed, and taken to be in the actual Seisin and Possession of the Manerial Rights so by them respectively purchased and shall hold and enjoy the same peaceably and" quietly, freed and discharged from all Claims and Demands of His Majesty, His Heirs and Successors, or any Person claiming under him or them, as fully and amply to all Intents and Purposes as His Majesty, His Heirs and Successors, might or could have held or enjoyed the same if such Sale had not taken place.

XIV Such Property not to be sold, but with the Consent of the Treasury.

Provided always, and be it further enacted, That no such Contract shall be made unless by special Warrant, to be issued for that Purpose by the Lord High Treasurer or the Commissioners of the Treasury for the Time being', or any Three of them.

XV Purchase Money for Enfranchisements and Sale to be paid into the Bank and invested in the Three Per Cents.

And be it further enacted, That the Purchase Money or Consideration to be paid for every such Enfranchisement or Purchase of Manerial Rights, shall from Time to Time be paid into the Bank of *England*, to the Account of the Lord: High Treasurer of *England*, for the Enfranchisement of Copyholds of Crown Manors, and shall be laid out in the Purchase of three Pounds *per Centum* Consolidated Bank Annuities, in the Name of the Lord High Treasurer, by order of the said Surveyor General (who is for that Purpose hereby authorized to make Drafts on the Bank for the same) in like Manner as is directed by the said recited Act passed in the thirty-fourth Year of the

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Reign of His present Majesty, intituled, *An Act for the better Management of the hand Revenue of the Crown, and for the Sale of Fee Farm and other unimproveable Rents* ; but nevertheless in such Manner that the Accounts may be kept separate and distinct from the Accounts of the Sales made and Stock purchased in pursuance of the said Act.

XVI Surveyor General to grant Certificate to Persons with whom he contracts, upon Production of which at the Bank, and Payment of the Money Bank to give Receipts.

And be it further enacted, That whenever the said Surveyor General shall have contracted with any Person or Persons, Body or Bodies Politick or Corporate, for the Enfranchisement of any such Tenements or other Hereditaments, or Sale of the Manerial Rights therein, the said Surveyor General shall grant to the respective Purchaser or Purchasers a Certificate under his Hand, specifying the Premises so agreed to be enfranchised or sold, and the Amount of the Purchase Money to be paid for the same, and which is hereby required to be paid within Thirty Days from the Date of such Certificate, and the Cashiers of the Bank, or One of them, shall, upon the Production of such Certificate, accept and receive the Purchase Monies therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of the same, without Fee or Reward ; which Certificates and Receipts shall be in the Form of Words following, or as near thereto as may be; (that is to say)

By the Surveyor General of His Majesty's Land Revenue :

THESE are to certify, That the said Surveyor General hath contracted and agreed on Behalf of the King's most Excellent Majesty, with
of for the [Enfranchisement of] or [Sale of the Manerial Rights belonging to the Crown, in and upon] the Copyhold or Customary Tenements herein-after mentioned, holden by the said
by Copy of Court Roll of His Majesty's Manor of
in the County of (that is to say)
All that [here insert the Description of the Premises] at or for the Price or Sum of
to be paid by the said
into the Bank of England, and carried
to the Account of the Lord High Treasurer of England for Enfranchisement of Copyholds of Crown Manors [where there is a subsisting Lease of the Manor to insert] subject nevertheless [reciting the Lease] and from and immediately after Payment of the said Sum in Manner afore-said, and the Enrolment of this Certificate, and the Receipt for the said Sum in the Office of the Auditor of His Majesty's Land Revenue for the County afore-said, and in the Court Rolls of the said Manor, and thenceforth for ever the said
and his
Heirs and Assigns, shall hold and enjoy the said [Premises as Freehold in Fee and Common Socage, freed and discharged of and from all Fines, Heriots, Reliefs, Quit Rents, and other Customary Dues and Payments, Suits and Services whatsoever] or [Manerial Rights, in as full and ample a Manner to all Intents and Purposes as His Majesty, His Heirs and Successors, could or might have held and enjoyed the same] by virtue

of an Act of Parliament, passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled, *An Act* [here insert the Title of this Act]. Given under the Hand of the said Surveyor General, this _____ Day of _____
Witness to the signing by the
said Surveyor General,

RECEIVED the _____ Day of _____ of and from the
above named _____ the Sum of _____ of
lawful Money of *Great Britain*, being the Consideration Money expressed
in the above written Certificate. Witness my Hand
For the Governor and Company of the Bank of *England*.
Cashier.

£. _____

Which Certificates and Receipts shall not be charged or chargeable with any other Stamp Duty than such as is by Law required for the Receipts for the respective Sums therein expressed to be paid as the Consideration for such Enfranchisements, or for such Manerial Rights; and such Certificates and Receipts shall be good, sufficient, valid and effectual in the Law for conveying and assuring the several Messuages, Tenements, and Hereditaments therein respectively to be comprized, enfranchised, and discharged, and the said Manerial Rights therein specified, unto and to the life of the several and respective Persons therein to be named, and their Heirs and Assigns for ever.

XVII Extending Provisions of 34 G.3 to Sales under, this Act.

And be it further enacted, That all Rules, Regulations, Provisions, Clauses, Matters, and Things, contained in the said recited Act of the Thirty-fourth Year of His present Majesty, and in force before the palling of this Act, with respect to the Sales of Fee Farm Rents, and the Certificates and Receipts relating thereto, authorized by that Act, shall be in force and be applied as far as the same are applicable, and are not altered by this Act with relation to the Enfranchisement of Copyholds, and Sales of Manerial Rights, and to the Certificates and Receipts concerning the same, authorized by this Act.

XVIII Sales and Crown Leases made, not to be defeated for want of proper Stamps; and those to be made to be exempt from Stamp Duties.

And whereas great Uncertainty prevails as to what Stamp Duties ought by Law to be imposed upon Contracts for the Sale of Fee Farm Rents under an Act made in the Twenty-sixth Year of His present Majesty, intituled, *An Act for appointing Commissioners to enquire into the State and Condition of the Woods, Forests, and Land Revenues belonging to the Crown, and to fell or alienate Fee Farm and other unimproveable Rents*; and under another Act made in the Thirtieth Year of His present Majesty, intituled, *An Act to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, 'An Act for appointing Commissioners to enquire into the State and Condition of the Woods, Forests, and Land Revenues belonging to the Crown, and to fell, or alienate Fee Farm and other unimproveable Rents*, and under the said recited Act of the Thirty-fourth Year aforesaid, and also upon Leases granted by the Crown under the said recited Act of the Thirty-fourth Year aforesaid, to the great Grievance and Hardship of Purchasers of such Fee Farm

Rents and Lessees of the Crown respectively; be it enacted, That no Contracts made under any of the said recited Acts of the Twenty sixth, Thirtieth, or Thirty-fourth Years of His present Majesty, for the Sale of Fee Farm Rents, nor any Leases made under the Great Seal or Seal of the Exchequer, of any Lands or other Hereditaments belonging to the Crown, within the ordering and Survey of the Exchequer, since the said recited Act of the Thirty-fourth Year aforesaid, shall be null and void on account of the same respectively not being duly stamped, or the Stamp Duty not having been duly paid thereon respectively, and that no Contract which shall be hereafter made for the Enfranchisement of any Copyhold, or for the Sale of any Manerial Rights under this Ad, or the Sale of any Fee Farm "Rents or other Hereditaments belonging to the Crown, within the ordering and Survey of the Exchequer aforesaid, nor any Lease or Grant which "shall be made pursuant to the Regulations of this Act or of the said Act of the Thirty-fourth Year of His Majesty's Reign, which shall be hereafter made of any Lands or other Hereditaments belonging to the Crown, within the ordering and Survey last aforesaid, shall be subject to any Stamp Duty whatever.

XIX Where Houses of certain Value agreed to be built on Land under Lease from the Crown, whereon other Houses are Handing, new Leases of the Whole maybe granted.

XIX. And whereas by the said recited Act of the Thirty-fourth Year of His present Majesty, it is amongst other Things enacted, That it shall not be lawful to renew any Grant or Lease of any Tenements or Hereditaments authorized by the said Act to be granted for any Term not exceeding Ninety-nine Years, until within Twenty Years of the Period of the Expiration of the same, except in certain Cafes therein specified : And whereas it is expedient that a Power of Renewal should be allowed in other Cafes not specified in the said Exception ; be it therefore enacted, That where any House or other Building shall require or shall be intended and agreed to be rebuilt, or any new House or other Building to be erected upon any Land or Ground belonging to the Crown, within the ordering and Survey aforesaid, held under a Lease from the Crown, upon which other Houses or Buildings included in the same Lease are standing, if the Lessee or Grantee shall covenant and agree to build a new House or Building, or to rebuild a House or Building of such Value as to increase the Value of the whole Property included in such Lease, it shall be lawful at any Time or Times hereafter to grant any further or other Lease of all such Land or Ground, with the Houses and Buildings thereupon, as were included in the former Lease, for any Term or Estate (except for Life or Lives) not exceeding the Terms and Estates authorized by- the said recited Act of the Thirty-fourth Year aforesaid, to be granted; provided that in every such Lease there be reserved and made payable to His Majesty, His Heirs and Successors, such Rent as is by the laid last mentioned Act or this Act required to be reserved, and that Covenants or Conditions be inserted therein on the Part of the respective Grantees or Lessees for erecting such new Houses or Buildings, or rebuilding such Houses or Buildings, within a reasonable Time, to be in such Cafe limited and appointed for that Purpose, and that such respective Improvements shall be of the requisite Value.

XX Where any new Building is agreed to be erected on Crown Land for the Enlargement of any House held under any Lease from the Crown, new Leases may be granted.

And be it further enacted, That where any new Edifice or Building shall be erected or agreed to be erected on Ground belonging to the Grown, within the ordering and Survey of the Chancellor and Council of the Duchy of *Lancaster*, or of the

said Surveyor General aforesaid, or held under any Lease from the Crown, for the Enlargement of, and to be united to and, occupied with any House or other Building held under any other Lease from the Crown, it shall be lawful to grant a new Lease or Leases for any Term not exceeding Ninety-nine Years, as well of the Ground on which such new Edifice or Building shall be erected or agreed to be erected, as of all or any Part of any other Tenements or Hereditaments contained in such Leases ; provided, that the greater Part of the yearly Value of the Tenements and Hereditaments so to be granted shall consist of the Buildings thereon, or of Ground set apart and appropriated for building, or for necessary Gardens, Yards, Curtilages, or other Appurtenances as aforesaid.

XXI Powers vetted in Commissioners of Treasury to grant and renew Leases of certain Kinds of Property, upon such Terms, as to Rents and Durations, as they shall think expedient.

And whereas the Restrictions contained in the said recited Act of the Thirty-fourth Year of His present Majesty as it now stands, may be found inconvenient in respect to the granting of Leases of some Kinds of Property now held under Lease from the Crown, and which are of a fluctuating and uncertain Value; be it therefore enacted, That it shall be lawful for the Lords Commissioners of the Treasury to grant and renew Leases of the Profits of Agistment of Forests disassorested, the Profits of Prae and Post, Fines arising within the Principality of *Wales* and County Palatine of *Chester*, thole of Lighthouses on Beacons, and of Chains for mooring Ships, Tolls, Markets and Fairs, Tythes, Fisheries, Ferries, and other Articles of uncertain Produce, for such Term of Years not exceeding Thirty-one Years, and for such Fine or Fines, and under such Rent or other Reservations and Conditions as they shall from Time to Time think reason-able and expedient.

XXII Power of 34 G.3 to, renew Leases of Waste Commons, extended to any other Lands comprized in the same Lease with such Waste Lands.

And whereas in the said recited Act of the Thirty-fourth Year of His present Majesty it was enacted and declared, That where any Wastes Commons, or other uninclosed Lands or Grounds within the ordering and Survey aforesaid, in which His Majesty, His Heirs and Successors, has or shall have any Interest, shall be deemed fit and proper to be divided, in-closed, drained, or otherwise improved, and shall be by Authority of Parliament or otherwise authorized and directed to be divided and inclosed, and where the Term or Estate in Possession of and in the same respectively shall be deemed by the Lord High Treasurer or Commissioners of the Treasury to be insufficient to defray the Cofts and Charges of such Works and Improvements, with reasonable Profit and Advantage to the Parties making or causing the same to be made, or to their Representatives or A Signs, in all and every such Cafe and Cafes it shall be lawful to renew any such Lease, or to grant any further or other Lease of any such Lands or Grounds, or any Part thereof, for any Term or Estate not exceeding the Terms or Estates authorized to be granted of Lands, Tenements, or Hereditaments of such or the like Descriptions, by the Act of the First Year of Queen *Anne* therein mentioned, or by the said recited Act of the Thirty-four; h Year of His present Majesty aforesaid : And whereas it is expedient that such Power of Renewal should be extended to any other Lands comprized in the same Lease with such Wastes or other uninclosed Lands ; be it therefore further enacted, That whenever any Lease shall be renewed under the said recited Provision, with respect to any such Wastes, Commons, or : other uninclosed Lands or Grounds, it mail be lawful to renew the same in like Manner and upon the

same Terms with respect to any other Lands or Grounds comprized in the same Lease, with such Wastes, Commons, or uninclosed Lands or Grounds.

XXIII Rent to be reserved in Cases where Houses are to be rebuilt or newly erected upon demised Land, whereon are other Houses not intended to be rebuilt.

And whereas by the said recited Act of the Thirty-fourth Year aforesaid, certain Rules are laid down for the Reservation of Rent, in Cafes where there are substantial Buildings upon Ground to be demised, or the Buildings thereupon shall not require or be intended or agreed to be rebuilt and also in Cafes where there are no substantial Buildings upon the Grounds to be demised, or the Buildings thereupon require, or shall be intended and agreed to be rebuilt, or other new Buildings erected upon such Land or Ground; but no Rule is laid down for Cafes where upon the Ground to be demised there is some substantial Building not required or intended or agreed to be rebuilt, and either some other Building required or intended or agreed to be rebuilt, or some new Building is proposed to be erected thereon; be it therefore enacted, That in all Cafes where upon the Ground to be demised there is some substantial Building not required or intended or agreed to be rebuilt, and either some other Building thereon requiring or intended or agreed to be rebuilt, or some new Building is intended or agreed to be erected thereon, it shall be lawful for the Lord High Treasurer or Commissioners of the Treasury to direct what Rent shall be reserved and paid annually, and whether any and what Fine shall be taken upon such Demise, regard being had to the Value of the Buildings on the Ground to be demised not intended to be rebuilt, and the Proportion it bears to the Value of the whole Property intended to be demised.

XXIV Lords of Treasury empowered to reserve the whole Consideration in Rent, where old Buildings are substantial.

Provided always, and be it further enacted, That it shall be lawful for the Lord High Treasurer Or Commissioners of the Treasury, when they shall be of Opinion that the Solidity and Value of any old House or Houses to be demised not required or intended to be rebuilt, is such as to be sufficient Security for the due Payment of the whole Annual Sum deemed by them to be a reasonable Consideration for such Building or Buildings and. Ground held therewith respectively, for the Term and Estate to be granted by and in the same, to direct that the Whole of such Consideration shall be reserved and taken in Rent only, without taking any Fine for the same.

XXV Discretionary Power veiled In Lords of the Treasury in certain Cafes, to admit of Consideration being paid, either in Rent only, or partly in Rent and partly in Fine.

And whereas it is necessary to vest a discretionary Power in the Lord High Treasurer or Commissioners of the Treasury, to determine the Rent upon Leases of Lands, Tenements, and Hereditaments belonging to the Crown, within the ordering and Survey aforesaid, in certain Cafes not provided for by Law; be it therefore enacted, That for and in respect of any Lease or Grant under the Great Seal, or the Seal of the Exchequer, of any Houses or other Buildings which shall be certified by Surveyors not to require rebuilding, and which shall be of greater yearly Value than the Ground on which they are built, but which a Lessee may desire to pull down in order to erect other Houses or Buildings of greater Value for his own Accommodation or Advantage, of Houses or other Buildings which may have been damaged or destroyed by Fire, or Ground on which such Buildings have been erected, and also of Houses or other

Buildings which shall be only in part rebuilt, or to which new Buildings shall be added, and also of Ground to be granted as Gardens, Yards, or Curtilages to Houses already erected or to be erected, whether on Ground belonging to His Majesty, or to any other Proprietor, it shall be lawful, for the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury at their Discretion, to admit of the Consideration being paid, either in Rent only or in Rent and Fine; provided always, that where a Fine shall be taken it shall not exceed the Proportion of One Third Part of the net annual Value of the Premises, in respect of which the same shall be paid, nor be computed at a higher Rate than the highest legal Interest.

XXVI In Lease of Mines, &c. Treasury empowered to reserve a Part of the Produce, or a Duty upon the Value of it, instead of any other Rent.

And whereas the most usual Mode of Reservation in Leases of Mines, Collieries, Quarries, and other Mineral and Fossil Substances, and that which is best adapted to this Kind of Property, is a certain Share of the Ore or other Produce in Kind, or a Rent or Duty in Money payable on the Quantity railed ; be it therefore enacted, That it shall be lawful in Leases under the Great Seal, or the Seal of the Exchequer, of Mines, Collieries, Quarries, and other Mineral and Fossil Substances belonging to His Majesty. within the ordering and Survey aforesaid, instead of any other annual Rent, to receive such Share of the Produce in Kind, or such Rent or Duty upon the Quantity or Value of such Produce, as the Lords Commissioners of the Treasury, or any three or more of them, shall think proper.

XXVII Rights and Interests of the Crown in the Forest of Brecknock may be fold.

And whereas His Majesty, in Right of His Crown, is Owner of the Soil of the *Great Forest of Brecknock* in the County of *Brecknock*, and of the Mines, Minerals, and other Substances within and under the same, and is also entitled to the Herbage thereof, subject to the Depasturage of Cattle of Occupiers of certain Lands within and adjacent to the said Forest, at annual, fixed, and customary Payments 5 And whereas by reason of such Depasturage of Cattle, and the Nature and Extent of the laid Forest, and of the ' Soil, the Rights and Interests of His Majesty therein cannot be made productive in their present State, and it is therefore expedient that Power should be given to dispose of the same ; be it therefore enacted, That it shall be lawful for the said Surveyor General for the Time being, to contract and agree with any Person or Persons, or any Bodies Politick or Corporate, for the Sale of the Soil, Mines, or other Minerals, or other Substances or Herbage, or any other Rights or Interests of His Majesty, His Heirs and Successors, in the said Forest or any Part thereof, or in any Manner appertaining thereto or existing within the same, within the ordering and Survey aforesaid, at or for the best Prices or Considerations in Money which the said Surveyor General shall be able to procure for the same, and which shall be approved of by the Lord High Treasurer or Commissioners of the Treasury for the Time being ; and the Purchase Monies to be paid for the same shall from Time to Time be paid into the Bank of *England* to the same Account, and shall be invested in the Purchase of Stock of the same Denominations; and the Stock so purchased, and the Interest and yearly Dividend arising therefrom, shall be applied in the same Manner, and subject to the same Regulations as are herein-before prescribed with respect to the Purchase Monies arising from the Sales of Crown Lands herein-before authorized; and such Sales of any such Rights and Interests in the said Forest shall be made in the same Manner and under the same Regulations, and the Certificates and Receipts to be given shall be in the same Form *mutatis mutandis* as are herein-before directed with respect to the Sales

Status: This is the original version (as it was originally enacted).

of Crown Lands; and from and immediately after the Enrolment of the said Certificate and Receipt in the Office of the Auditor of the Land Revenue ; and thenceforth for ever the respective Purchasers, their - Heirs, Successors, and Assigns, shall be adjudged, deemed, and taken to be in the actual Seisin and Possession of the Premises so by them respectively purchased, and shall hold the same peaceably and quietly, freed and discharged of and from all Claims and Demands which can or maybe made by His Majesty, His Heirs or Successors, or by any Person or Persons lawfully claiming by Him or under Him or them, and of and from all Manner of Incumbrances whatsoever, as fully and amply to all Intents and Purposes as His Majesty, his Heirs and Successors, might or could have; held or enjoyed the same:

XXVIII The Duchy or Surveyor General empowered by Authority of Treasury, to exchange Lands of the Crown for Lands of Individuals, under certain Regulations.

And be it further enacted, That whenever it shall appear to the said Chancellor and Council of the said Duchy, or to the said Surveyor General, that it would be for the Advantage of the Land Revenue of the Crown to exchange any Parcel or Parcels of Land belonging to His Majesty, His Heirs and Successors, for any other Parcel or Parcels of Land of equal or nearly equal Value, belonging to any other Person or Persons, Bodies Politic or Corporate, and such other Person or Persons or Bodies shall consent to such Exchange, it shall be lawful for the Surveyor General of the said Duchy and the said Surveyor General to cause the Value as well of the said Parcel or Parcels of Land belonging to His Majesty, His Heirs or Successors, as of the said Parcel or Parcels of Land proposed to be exchanged for such Land of His Majesty, to be ascertained by some able and practical Surveyor of Land, who shall annex to his Survey, Estimate, or Valuation thereof, when completed, an Oath (or being of the People called *Quakers*, an Affirmation) taken and subscribed by him before any Justice of the Peace or Magistrate of the United Kingdom, who is respectively hereby authorized to administer an Oath or Affirmation in that Behalf, the Tenor whereof shall be as follows ; that is to say,

“*I A. B.* do swear [*or, being a Quaker, do solemnly affirm*] That the Survey or Account hereto annexed, was faithfully and impartially made by me; that the Value of the Property of the Crown, and of *C. D.* therein contained, is justly estimated therein, according to the best of my Skill and Judgement ; and that all the Particulars seated in the said Survey or Account are true to the best of my Knowledge and Belief.”

Which Oath and Affirmation so taken and subscribed, shall be filed with the Survey and Estimate in the Office of the said Surveyor General, or of the Clerk of the Council of the said Duchy, and the said Surveyor General shall report to the Lord High Treasurer or the Commissioners of the Treasury, or the said Surveyor General of the said Duchy shall report to the Chancellor and Council of the said Duchy the Grounds of his Recommendation of the proposed Exchange, together with the said Valuation of the respective Parcels of Land ; and if the Lord High Treasurer or the Commissioners of the Treasury, or the Chancellor and Council of the said Duchy, shall, upon due Consideration had, approve of such Exchange taking place, they shall authorize the said Surveyor General, or the proper Officers of the said Duchy, to carry the same into effect, upon such Terms and Conditions as they shall think fit, provided the same shall be assented to by the Person or Persons, or Body with whom such Exchange is proposed to be made; and the said Chancellor and Council, and the said Surveyor General shall thereupon cause the said Parcel or Parcels of Land belonging to His Majesty, to be conveyed to the said Person or Persons, or Bodies reflectively with whom the said Exchange is proposed to be made, and such Person or Persons, or Body,

shall at the same time convey to the said Chancellor or Council, or to the said Surveyor General, in Trust for and on the Behalf of His said Majesty, His Heirs and Successors, in Right of His Crown, or in Right of His Duchy, the said Parcel or Parcels of Land so agreed to be given in Exchange for such Parcel or Parcels of Crown Land as aforesaid ; and from and immediately after the Completion of such Exchange, the said Parcels of Land so belonging to His Majesty, and given in Exchange as aforesaid, shall vest in the Person or Persons, or Body, to whom the same is conveyed, for the same Estate or Interest, and as fully and effectually as the said Parcels of Land so given in Exchange did before such Exchange; and the said Parcels of Land so conveyed in Exchange to His Majesty, shall vest in His Majesty, His Heirs and Successors, in Right of His Crown, or in Right of His Duchy, as fully and effectually, and be subject to the same Application as the said Parcels of Land so conveyed in Exchange to such Person or Persons, or Body, was veiled in him before such Exchange.

XXIX Treasury empowered to pay or accept Money for equalizing Exchange.

Provided always, and be it further enacted, That it shall be lawful for the Lords Commissioners of the Treasury, or the Chancellor of the said Duchy, if they shall think fit, to direct the Payment or Acceptance on Behalf of His Majesty of such Sum of Money, for equalizing any such Exchange, as shall be agreed upon between the said Chancellor and Council, or the said Surveyor General and the said Person or Persons or Bodies with whom such Exchange is proposed to be made, and where any such Money is to be paid to any such Person or Persons or Body for such Purpose, such Money shall be paid out of the Land Revenue of the Crown, or out of the Revenues of the said Duchy ; and where any Money shall be paid to His Majesty for equalizing such Exchange, the same, if it shall amount to the Sum of Fifty Pounds, shall be vetted in the Three Pounds *per Centum* Consolidated Bank Annuities, in the Name of the Lord High Treasurer, and the Dividends thereof shall be applicable as Land Revenue; and if it shall not amount to the Sum of Fifty Pounds, the same shall be appropriated as Land Revenue under the Direction of the Lords Commissioners of the Treasury ; or in case of the Money being paid to His Majesty in Right of His said Duchy, the same shall be placed in Three *per Centum* Consolidated Bank Annuities in the Name of the Duchy of *Lancaster*, according to the Directions of the said recited Acts of the Thirty-eighth and Forty-second Years of His present Majesty.

XXX The Duchy or Surveyor General empowered to make and accept Conveyance of Lands exchanged; which shall be in Form following.

And be it further enacted, That it shall be lawful to the Chancellor and Council of the said Duchy, or to the said Surveyor General for the Time being, to act for and on Behalf of His Majesty, as well in making as accepting the Conveyances of Parcels of Land so intended to be exchanged as aforesaid ; and the Conveyance of the Land within the ordering and Survey of the Exchequer aforesaid, so proposed to be given in Exchange by His said Majesty, may be in the following Form, or as near thereto as may be; (that is to say),

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THESE are to witness, That in Consideration of the Conveyance of certain Lands [*describing them*] to His said Majesty, in Right of His Crown, from *C. D.* [and also in Consideration of the Sum of paid by the said *C. D.* for Equality of Exchange to the Surveyor General of the Land Revenue of the Crown] the said Surveyor General for and on Behalf of His Majesty, doth by these Presents grant, bargain, and sell unto the said *C. D.* his Heirs and Assigns, All [*describe the Parcels of Land, &c. sold*] To have and to hold the said [Parcels, &c.] hereby bargained and sold, and all Benefit and Advantage thereto belonging, unto and to the Use of the said *C. D.* his Heirs and Assigns, for ever. In Witness whereof the same Surveyor General hath hereunto set his Hand and Seal, this
Day of _____ in the Year of our Lord

Witness to the Execution by the said Surveyor General

And the Conveyance to His Majesty of such Lands as are proposed to betaken in Exchange for such Crown Lands, may be in the following Form, or as near thereto as may be ; (that is to say),

Conveyance by the Person with whom the Exchange is proposed to be made :

THESE are to witness, That *C. D.* of _____ in the County of _____ in Consideration of the Conveyance to him the said *C. D.* from the Surveyor General of the Land Revenue of the Crown, for and on Behalf of His Majesty, of a certain Parcel of Land [*describing it*] and also of the Sum of _____ paid to him by the said Surveyor General on Behalf of His said Majesty, for Equality of Exchange [*if the Case be so*] Doth by these Presents grant, bargain, and sell unto His Majesty, His Heirs and Successors, all that Parcel of Land [*describing it*] To have and to hold the same to His said Majesty, His Heirs and Successors, in Right of His Crown. In Witness whereof the said *C. D.* hath hereunto set his Hand and Seal, this
Day of _____ in the Year of our
Lord

Witness to the Execution of the said *C. D.*

And such Instruments respectively shall not be liable to any Stamp Duty,

XXXI Act may be altered or repealed this Session.

And be it further enacted, That this Act maybe altered, varied, or repealed, by any Act or Acts to be palled' in this present Session. of Parliament.