



Duchy Of Lancaster Act 1808

1808 CHAPTER 73 48 Geo 3

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*;

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 3](#)
- C2 Act repealed, except in relation to Duchy of Lancaster, by [Crown Lands Act 1829 \(c. 50\), s. 1](#)

I.—II F1

Textual Amendments

- F1 Ss. 1, 2, 4, 5 and 7 repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\), s. 1\(4\), Sch.](#)

III F2

Textual Amendments

- F2 Ss. 3, 6, 8, 11, 13—16, 19, 21—27 repealed by [Crown Lands Act 1829 \(c. 50\), s. 1](#)

IV.—V F3

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Duchy Of Lancaster Act 1808. (See end of Document for details)

Textual Amendments

F3 Ss. 1, 2, 4, 5 and 7 repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\)](#), s. 1(4), [Sch.](#)

VI **F4**

Textual Amendments

F4 Ss. 3, 6, 8, 11, 13—16, 19, 21—27 repealed by [Crown Lands Act 1829 \(c. 50\)](#), [s. 1](#)

VII **F5**

Textual Amendments

F5 Ss. 1, 2, 4, 5 and 7 repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\)](#), s. 1(4), [Sch.](#)

VIII **F6**

Textual Amendments

F6 Ss. 3, 6, 8, 11, 13—16, 19, 21—27 repealed by [Crown Lands Act 1829 \(c. 50\)](#), [s. 1](#)

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.**

In all Cases 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 said Duchy, has been or shall be omitted or delayed beyond the Period limited in any such Lease, it shall be lawful for the Chancellor of the said Duchy of *Lancaster*, or the said Surveyor General, for any reasonable Cause to them 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 the ^{M1}Land Tax Perpetuation Act 1798 and by the ^{M2}Land Tax Redemption Act 1802 the Chancellor and Council of the Duchy of *Lancaster* for the Time being is empowered to sell and dispose of, and thereupon to grant and assure 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,

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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 on 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 sell such Portion of the said Revenues as shall be the least productlve 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 saidDuchy of Lancasterfor the Time being, to sell 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, . . . ^{F7} 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, Tolls, 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 best 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 ^{M3}said Land Tax Perpetuation Act 1798 and ^{M4}Land Tax Redemption Act 1802 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 ^{M5}said Land Tax Perpetuation Act 1798 and ^{M6}Land Tax Redemption Act 1802, or either of them.

Textual Amendments

F7 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

Marginal Citations

- M1** [1798 c. 60.](#)
- M2** [1802 c. 116.](#)
- M3** [1798 c. 60.](#)
- M4** [1802 c. 116.](#)
- M5** [1798 c. 60.](#)
- M6** [1802 c. 116.](#)

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Textual Amendments

F8 Ss. 3, 6, 8, 11, 13—16, 19, 21—27 repealed by [Crown Lands Act 1829 \(c. 50\)](#), s. 1

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

It shall be 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 ^{M7}said Land Tax Perpetuation Act 1798 and ^{M8}Land Tax Redemption Act 1802, or under this Act (excepting only as far as it relates to . . . ^{F9} Sales of Manerial Rights . . . ^{F9}), 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 ^{M9}said Land Tax Perpetuation Act 1798 and ^{M10}Land Tax Redemption Act 1802, with relation to Purchases of Three Pounds *per Centum* Consolidated Bank Annuities under those recited Acts respectively, 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 Land Tax Perpetuation Act 1798 and Land Tax Redemption Act 1802, 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.

Textual Amendments

F9 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

Marginal Citations

- M7** 1798 c. 60.
- M8** 1802 c. 116.
- M9** 1798 c. 60.
- M10** 1802 c. 116.

XIII— ^{F10}
XVI.

Textual Amendments

F10 Ss. 3, 6, 8, 11, 13—16, 19, 21—27 repealed by [Crown Lands Act 1829 \(c. 50\)](#), s. 1

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

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 passing 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 . . .^{F11}Sales of Manerial Rights, and to the Certificates and Receipts concerning the same, authorized by this Act.

Textual Amendments

F11 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)

XVIII 26 G. 3. c. 87. 30 G. 3. c. 50. 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 sell 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 sell 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; 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 no Contract which shall be hereafter made . . .^{F12} for the Sale of any Manerial Rights under this Act, 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.

Textual Amendments

F12 By [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#) it is provided that in section 18, the words "for the enfranchisement of any copyhold or" are repealed

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XIX F13

Textual Amendments
F13 Ss. 3, 6, 8, 11, 13—16, 19, 21—27 repealed by [Crown Lands Act 1829 \(c. 50\)](#), s. 1

XX F14

Textual Amendments
F14 S. 20 repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\)](#), s. 1(4), [Sch.](#)

XXI— F15
XXVII.

Textual Amendments
F15 Ss. 3, 6, 8, 11, 13—16, 19, 21—27 repealed by [Crown Lands Act 1829 \(c. 50\)](#), s. 1

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

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,

”*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 stated 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

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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 respectively 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 vested in him before such Exchange.

Modifications etc. (not altering text)

C3 S. 28 explained by [Duchy of Lancaster Act 1812 \(c. 161\), s. 2](#)

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

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 vested in the Three Pound^{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 ^{M11}said Land Tax Perpetuation Act 1798 and ^{M12}Land Tax Redemption Act 1802.

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Marginal Citations

M11 1798 c. 60.

M12 1802 c. 116.

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

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),

”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 be taken 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.

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Textual Amendments

F16 S. 31 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. VII**

Status:

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Changes to legislation:

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