



Duchy of Lancaster Act 1812

1812 CHAPTER 161 52 Geo 3

An Act for enabling His Majesty to grant Leases under certain Circumstances, and for the better carrying into Effect the Provisions of an Act passed in the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, touching the Formation of a Map of the New Forest in the County of *Southampton*, and continuing and extending other Provisions of the said Act; for further appropriating the Monies arisen or to arise from the Sale of certain Crown Lands under the Authority of divers Acts of Parliament; for annexing certain Lands within the Forest of *Rockingham* to His Majesty's Manor of *King's Cliffe*; and for enabling the Commissioners of the Treasury to appropriate small Portions of Land for Ecclesiastical Purposes. [29th July 1812]

W HEREAS^{M1} an Act was made 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*, reciting and repealing a Proviso contained in the^{M2} Crown Lands Act 1702 so far as the same was contrary to any of the Provisions of the said Act of the Thirty-fourth Year of His present Majesty's Reign: And whereas by the^{M3} Duchy of Lancaster Act 1808, it was enacted, that where any Land or Ground belonging or thereafter to belong to His Majesty, His Heirs or Successors, within the Ordering and Survey of the Exchequer, or of the Duchy of *Lancaster*, shall be deemed by the Lord High Treasurer 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 should 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 Politic 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 any such Lease or Grant respectively ; or if any such Lease or Grant be made to take Effect in Reversion or Expectancy, 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 Grounds should not exceed Ninety-nine Years, computed from the Date or making thereof as aforesaid; and it was thereby further enacted, that no Land or Ground for Garden, Yard, Curtilage or other Appurtenances 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, should be granted or demised for any Term or Estate

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exceeding in Duration the Term or Estate for which the Houses or Buildings to which such Land or Ground should be so attached as Garden, Yard, Curtilage or other Appurtenances should be holden: And whereas it would tend much to the Improvement of the Revenues belonging to His Majesty in Right of His said Duchy of *Lancaster*, if the Power of granting Leases for the Erection, repairing, or rebuilding of Houses and other Buildings, on Lands within the Survey of the said Duchy, and of Gardens, Curtilages and Appurtenances to be used therewith, were enlarged, and if the Provisions in the said recited Act of the Thirty-fourth Year of His present Majesty were extended to Leases granted under the Seals of the Duchy and County Palatine of *Lancaster*;

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)
- C2 Act repealed, except in relation to Duchy of Lancaster, by [Crown Lands Act 1829 \(c. 50\)](#), [s. 1](#)

Marginal Citations

- M1 [1794 c. 75.](#)
- M2 [1702 c. 1.](#)
- M3 [1808 c. 73.](#)

[I.] F1

Textual Amendments

- F1 [Ss. 1, 3](#) repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\)](#), [s. 1\(4\)](#), [Sch.](#)

II For removing Doubts in the Form of Conveyances, in Cases of Exchanges of Land within the ordering and Survey thereof.

And whereas by the said ^{M4} Duchy of Lancaster Act 1808, it was enacted, That whenever it should appear to the said Chancellor and Council of the said Duchy, that it would be to the Advantage of the Land Revenue of the Crown, to exchange any Parcel or Parcels of Land belonging to His Majesty, His Heirs or Successors, for 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, should consent to such Exchange, it should be lawful for the Surveyor General of the said Duchy 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 should 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 thereby authorized to administer an Oath or Affirmation in that Behalf, according to the Tenor and Effect therein mentioned, which Oath and Affirmation so taken and subscribed, should be filed with the Survey and Estimate in the Office of the Clerk of the Council of the said Duchy; and the said Surveyor General of the said Duchy should 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 Chancellor and Council of the said Duchy should, upon due Consideration had, approve of such Exchange taking place, they should

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authorize the proper Officers of the said Duchy to carry the same into Effect, upon such Terms and Conditions as they should think fit, provided the same should be assented to by the Person or Persons, or Body, with whom such Exchange is proposed to be made, and the said Chancellor should thereupon cause the said Parcel of Land belonging to His Majesty to be conveyed to the said Person or Persons or Bodies respectively, with whom the said Exchange was proposed to be made; and such Person or Persons or Body should at the same Time convey to the said Chancellor and Council, in Trust for and on the Behalf of His said Majesty, His Heirs and Successors, in right of His said Duchy, the said Parcel or Parcels of Land so agreed to be given in Exchange for such Parcel or Parcels of 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, should vest in the Person or Persons, or Body, to whom the same was 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, should vest in His Majesty, His Heirs and Successors, 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: And whereas Doubts have arisen with respect to the Form of the Conveyance in Cases of Exchange, empowered by the ^{M5}said Duchy of Lancaster Act 1808;

Whenever it shall appear to the Chancellor and Council of the said Duchy, that such Exchange can be carried into Effect with Advantage to His Majesty, His Heirs and Successors, according to the Regulations directed by the said Act, it shall be lawful for the said Chancellor and Council, and they are hereby empowered to grant and convey to the said Person or Persons or Bodies respectively, with whom the said Exchange is proposed to be made, any Lands, Tenements, or Hereditaments, Parcel of the said Duchy or County Palatine, in the Name of His Majesty, His Heirs and Successors, under the Seal or Seals of the said Duchy or County Palatine; and such Person or Persons, Body or Bodies, shall at the same Time convey to the said Chancellor and Council, in Trust for and on the Behalf of His Majesty, His Heirs and Successors, in Right of His said Duchy or County Palatine, the said Parcel or Parcels of Land so agreed to be given in Exchange 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 Parcel 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 said Duchy and County Palatine, 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; any Thing in the said Act or any other Act or Acts contained to the contrary notwithstanding.

Marginal Citations

- M4** 1808 c. 73.
- M5** 1808 c. 73.

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Textual Amendments

F2 Ss. 1, 3 repealed by [Duchy of Lancaster Act 1988 \(c. 10, SIF 29:10\)](#), s. 1(4), [Sch.](#)

IV— F3
XXVI.

Textual Amendments

F3 Ss. 4-26, [Schs. \(A\)-\(D\)](#) repealed by [Crown Lands Act 1829 \(c. 50\)](#), s. 1

XXVII His Majesty may grant Land for Curtilages and Accesses to Churches or Chapels.

And whereas in and by the ^{M6}Gifts for Churches Act 1811, it was among other Things enacted, That the King’s most Excellent Majesty, His Heirs and Successors, should have full Power, Licence, and Authority, by Deed or Writing, under the Great Seal, to give and grant, and vest in any Person or Persons, Bodies Politic and Corporate, and their Heirs and Successors respectively, all such, his, her, or their Estate, Interest, or Property, in any Lands or Tenements, within the Survey of the Court of Exchequer, for or towards the erecting, rebuilding, repairing, purchasing, or providing any Church or Chapel where the Liturgy and Rites of the United Church of *England and Ireland*, are or shall be used or observed, or any Mansion House, for the Residence of any Minister of the said United Church officiating or to officiate in any such Church or Chapel, or any Outbuildings, Offices, Church Yards, or Glebe, for the same respectively, and to be for those Purposes applied in and by such Deed as aforesaid expressed, provided that nothing in this Act now in recital contained should extend or be construed to extend to enable His Majesty, His Heirs or Successors, to grant more than Five Acres in any One Grant for any of the Purposes aforesaid: And whereas it is found expedient that the Powers of the same Act should be extended to Ground for Curtilages, Accesses, or any other Conveniences or Accommodations of or to any of such Churches or Chapels as aforesaid: And whereas the passing of Deeds or Writings under the Great Seal for the Purposes aforesaid, by reason of the great Expence attending the same, may in some Cases produce Inconvenience and frustrate the Intention of the said Act;

His said Majesty, His Heirs and Successors, shall have full Power, Licence, and Authority to give and grant, and vest in any Person or Persons, Body or Bodies Politic or Corporate, and their Heirs and Successors respectively, in Manner herein-after mentioned, all such his, her, or their Estate, Interest, or Property in any Lands or Tenements within the Survey of the Court of Exchequer, or of the Duchy of *Lancaster*, for Curtilages, or for Accesses, or for any other Conveniences or Accommodations of any such Churches or Chapels as aforesaid; and such Person or Persons, Body or Bodies Politic or Corporate, and their Heirs and Successors respectively, shall have full Capacity and Ability to receive, take, hold, and enjoy the same according to the Intent and Meaning of the said Actl, and whenever it shall be the Pleasure of His Majesty, His Heirs or Successors, to make a Grant for any of the Purposes aforesaid, it shall and may be lawful for the Lord High Treasurer, or the Commissioners of the Treasury, or any Three of them, to grant a Warrant under his or their Hand or Hands to any such Person or Persons, or Body or Bodies Politic or Corporate, specifying the Premises so to be vested in such Person or Persons, Body or Bodies Politic or Corporate, as

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aforesaid, which Warrant shall be inrolled in the Office of the Auditor of the Land Revenue for the Division or County within which the Premises shall be situate, and also in the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or in the Office of the Surveyor General of His Majesty's Land Revenue for the Time being; and such Auditor, and such Commissioners, or Surveyor General having enrolled the said Warrant, shall certify such Inrollment at the Foot or on the Back thereof under their Hands, and return the said Warrant to the Grantee or Grantees of the Premises therein named, and from and immediately after such Inrollment and thenceforth for ever the respective Grantees named in such Warrants, and their Heirs and Successors, shall by force of this Act be adjudged, deemed, and taken to be in the actual Seisin and Possession of the Premises in the said Warrants specified, and shall hold and enjoy the same peaceably and quietly, 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 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 or Successors, might or could have held or enjoyed the same: Provided always, that nothing in this Act contained shall extend, or be construed to extend to enable His Majesty, His Heirs and Successors, to grant more than Five Acres in any One Grant for any of the Purposes aforesaid.

Modifications etc. (not altering text)

- C3** Reference to United Church of England and Ireland to be construed as reference to Church of England: [Irish Church Act 1869 \(c. 49\), s. 69](#)
- C4** Enrolment in Public Record Office now takes place of enrolment in Office of Land Revenue Records and Enrolments: [Crown Estate Act 1961 \(c. 55\), Sch. 2 para. 5\(1\)](#)

Marginal Citations

- M6** [1811 c. 115.](#)

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^{F4}F4 SCHEDULES (A)-(D)

Textual Amendments

F4 Ss. 4-26, Schs. (A)-(D) repealed by [Crown Lands Act 1829 \(c. 50\), s. 1](#)

..... **F4**

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