



Duchy of Lancaster Act 1787

1787 CHAPTER 34 27 Geo 3

An Act to amend an Act, passed in the Nineteenth Year of the Reign of His present Majesty, intituled, An Act to enable the Chancellor and Council of the Duchy of Lancaster to sell and dispose of certain Fee-farm Rents, and other Rents, and to enfranchise Copyhold and Customary Tenements within their Survey; and to encourage the Growth of Timber on Lands held of the said Duchy; and to enable the said Chancellor and Council to discharge Incumbrances affecting the Possessions of the said Duchy.

Preamble reciting 19 Geo.III, Cap. 45. Whereas by the Duchy of Lancaster Act 1779 it was (amongst other things) enacted, that it should be lawful to and for the Chancellor and Council of the Duchy of Lancaster, for the time being, to sell and dispose, and thereupon to grant and assure, in the Name of the King's Majesty, His Heirs and Successors, under the Seal of the said Duchy, unto or to the use of the respective purchasers thereof, and to Their Heirs for ever, all and singular Fee-Farm Rents, Rents-service, Rents-seck or Dry-rents, Chantry-rents, Guild-rents, and other Rents due and payable to the King's Majesty, as parcel of the possessions of His said Duchy, and then being within the Survey and Receipt of the said Duchy, and the Officers of the same, at and for such considerations in money as the said Chancellor and Council should think fit, not being less than after the rate of twenty-five years purchase of the gross amount of any such Rent or Rents: And it was thereby also provided and enacted, that the immediate Owner of the lands and hereditaments, whereout any of the aforesaid Rents were due, payable, or issuing, should be preferred in the purchase thereof respectively before any other, so that such immediate owner should pay and discharge all arrears of Rent due from him or her, and tender himself or herself in person, or by his or her agent, to the said Chancellor and Council, to contract for the purchase thereof, and should perfect his or her contract, and pay the purchase money into the hands of the Receiver-General of the Revenues of the said Duchy, on or before the Sixth Day of November One thousand seven hundred and eighty, at such rate as should be agreed upon, not being less than after the rate of twenty-five years purchase, as aforesaid: And it was by the said Act further enacted, That all the monies to arise by sale of the said Rents, or by the enfranchisement and discharging of any copyhold or customary messuages, lands, tenements, or hereditaments, under or by virtue of the said Act, should be paid into the hands of the Receiver-General of the Revenues of the Duchy of Lancaster for the time being, and that the said monies should, from time to time, as the same should be paid in and received, be laid out by the Order of the said Chancellor and Council in the purchase of Three per Centum Bank Consolidated Annuities, or in any of the Publick funds transferrable at the Bank of England, in the Name of

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the Duchy of Lancaster; and that all the Annuities, Fund, or Stock, to be so purchased, should remain in the Name of the Duchy of Lancaster, and should not be transferred or transferrable without the Authority of Parliament, but that all the interest of the said Annuities, Fund, and Stock, should be, from time to time, paid unto the Receiver-General of the said Duchy for the time being, as Parcel of the Revenues of the said Duchy: And whereas, in pursuance of the said Act, some few of the said Rents were sold and disposed of, and some copyhold or customary tenements have been enfranchised, and the money arising by such sales and enfranchisements has been laid out and invested in the purchase of four thousand eight hundred and fifty-nine pounds twelve shillings and three-pence, Three per Centum Bank Consolidated Annuities, in the Name of the Duchy of Lancaster, according to the directions of the said Act: And whereas the greater part of the Rents, by the said Act authorised to be sold, still remain undisposed of, and from the general objection made to the rate of purchase limited by the said Act, it is apprehended that unless such rate of purchase be moderated and reduced, the intent of the said Act, with respect to the sale of the said Rents, will be in a great measure defeated:

Modifications etc. (not altering text)

C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)

[^{XI}L.]

So much of Act 19 Geo. 3. c. 45. as restricts the Sale of the Rents therein described to not less than 25 Years Purchase, repealed. Authority given to sell the said Rents at any Prices not under the following Rates, viz. For Rents upwards of 10s. per Ann. 24 Years Purchase ; 5s. and under 10s. 22 Years Purchase ; 5s. and under 10s. 22 Years Purchase ; 1s. and under 5s. 20 Years Purchase. Owners of Lands to have the Preference of Purchase. Money arisen or to arise by the Sale of the said Rates, may be applied in Satisfaction of any Sums charged upon His Majesty's Lands on Account of Inclosures in the Duchy of Lancaster, &c. Bank to permit any Person authorised by the Chancellor and Council of the said Duchy, to transfer the Stock standing in the Name of the Duchy. Chancellor and Council may retain Money arising by Sale of the Rates to answer Expenses. After Payment of all Costs and Charges before mentioned, the Residue of Purchase Money to be laid out, &c. according to Act 19 Geo. 3. c. 45. Agreements entered into by Order of the Chancellor and Council with Mortgagees, &c. to be valid. Interest due to his Majesty under any Agreement in pursuance of this Act may be distrained for as for Rent.

Editorial Information

X1 The text of s. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

II Authority given to sell the said Rents at any prices not under the following Rates, viz. For Rents upwards of [^{F1}50p] per Ann. 24 Years Purchase; [^{F1}25p] and under [^{F1}50p] 22 Years Purchase; [^{F1}5p] and under [^{F1}25p] 20 Years Purchase.

It shall and may be lawful to and for the Chancellor and Council of the said Duchy for the time being, to sell and dispose, and thereupon to grant and assure, in the Name of the King's Majesty, His Heirs and Successors, under the Seal of the said Duchy, unto or to the use of the respective purchasers thereof, and to their Heirs for ever, all and singular the Fee-Farm Rents, Rents-service, Rents-seck, Quit-rents, Chantry-rents, Guild-rents, and other dry and unimprovable Rents, which, by the said recited

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Act, were authorised to be sold, but which have not been sold and disposed of, and which now remain due and payable to the King's Majesty as parcel of the possessions of the said Duchy, at and for such considerations in money, and at and after such rate of purchase as the said Chancellor and Council shall judge adequate and sufficient, or be able to procure for the same, not being less for any Rent amounting to or exceeding [F15p] per annum, than after the several rates of purchase following; (that is to say), For any Rent amounting to [F150p] per annum, or upwards, not less than twenty-four years purchase of the nett amount thereof, . . . F2: For any Rent amounting to [F125p] per annum and being under [F150p] per annum, not less than twenty-two years purchase of the gross amount thereof: And for any Rent amounting to [F15p] per annum, and being under [F125p] per annum, not less than twenty years purchase of the gross amount thereof.

Textual Amendments

- F1 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- F2 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. II](#)

III F3

Textual Amendments

- F3 [S. 3](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)

Money arisen or to arise by the Sale of the said Rates, may be applied in Satisfaction of any sums charged upon His Majesty's Lands on Account of Inclosures in the Duchy of Lancaster, &c. Bank to permit any Person authorised by the Chancellor and Council of the said Duchy, to transfer the Stock standing in the Name of the Duchy. Chancellor and Council may retain Money arising by Sale of the Rates to answer Expences.

And whereas, by means of several Inclosures or Divisions made of several Common Fields and Waste Lands, lying within and being parcel of the Franchises and Liberties of the said Duchy of Lancaster, under and by virtue of divers Acts of Parliament, several sums of money have been, and do now remain charged upon certain of His Majesty's Lands and Tenements within the said Franchises and Liberties: And whereas certain other Waste Lands within the said Franchises and Liberties have, by the Authority of Parliament, been lately set out and awarded to His Majesty, and a considerable expence will be necessarily incurred in the inclosing, draining, fencing, building upon, and improving the same: And whereas it is fit and expedient that effectual provision should be made for paying off the said several sums so remaining charged as aforesaid, and for defraying the expences to be incurred in manner last before mentioned; it shall and may be lawful to and for the Chancellor and Council of the said Duchy for the time being, by their Order or Orders to be made in Court of Revenue, to apply and appropriate as well the said four thousand eight hundred and fifty-nine pounds twelve shillings and three-pence, Three per Centum Consolidated Annuities, as also any other monies which may hereafter arise and be received by sale of the said Rents, or by the enfranchisement or discharging of any copyhold or customary messuages, lands, tenements, or hereditaments, under and by virtue of the said recited Act, in payment, satisfaction, and discharge of all such sums of money as have been and are now charged upon any of His Majesty's Lands or Tenements, being parcel of the possessions of His said Duchy, by reason of any inclosure or division already made by the Authority

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of Parliament; and of all such charges and expences as shall be at any time hereafter incurred, by and under the order and direction of the Chancellor and Council of the said Duchy, in the division, inclosure, drainage, or other improvement of any allotment or allotments which have been set out or assigned to His Majesty, His Heirs or Successors, by the Authority of Parliament as aforesaid; and in the erecting suitable habitations, and other convenient buildings, for the tenants of such allotment or allotments respectively, in such manner as the said Chancellor and Council shall think fit; and the Directors of the Bank of England for the time being shall, and they are hereby authorised and required, upon requisition to them for that purpose to be made by any Order or Orders of the said Chancellor and Council, under the hand of the Attorney General of the said Duchy, to permit such person as shall in and by such order be named and empowered for that purpose, to make a transfer or transfers of all or any part of the Three per Centum Bank Annuities which now are, or shall hereafter be transferred, or stand in the Books of the Bank in the name of the Duchy of Lancaster; and which transfer or transfers, being made by the person so to be authorised by the signature of his own proper name, for and on the behalf of the King's Majesty, in right of his Duchy of Lancaster, shall be valid, legal, and effectual for the transfer of the said annuities; and that until the whole of the said charges and expences shall have been raised and paid in the manner aforesaid, it shall and may be lawful to and for the said Chancellor and Council to cause the monies to arise by such sales, enfranchisements, and discharge as aforesaid, to be retained and applied for that purpose, without investing the same in Bank Consolidated Annuities, or other publick funds; any thing in the said recited Act to the contrary notwithstanding.

V After Payment of all Costs and Charges before mentioned, the Residue of Purchase Money to be laid out, &c. according to recited Act.

Provided always, that, after the costs and charges aforesaid shall have been fully paid and satisfied, the residue of the monies which shall remain unappropriated and undisposed of for the uses and purposes aforesaid, whether the same shall arise by sale of any Rents, or the enfranchisement or change of tenure of any copyhold or customary lands, tenements, or hereditaments, under the said recited Act of the Nineteenth Year of His Majesty's Reign, or under this present Act; and also all monies whatever which shall afterwards arise and be received in the execution of the powers and authorities of the said recited Act, shall be paid, laid out, applied, and disposed of, and the dividends, interest, and other annual proceed thereof, received, taken, and enjoyed, according to the directions of the said recited Act, any thing in this Act contained to the contrary thereof notwithstanding.

VI Agreements entered into by Order of the Chancellor and Council with Mortgagees, &c. to be valid.

All and every Agreement or Agreements which shall or may be made or entered into by, or by the Order of, the Chancellor and Council of the said Duchy, with any Mortgagee or Mortgagees of any of His Majesty's Lands within the Liberties and Franchises of the said Duchy, such Mortgages having been made by the Authority of any Act or Acts of Parliament, or to or with any of His Majesty's Lessees of the Lands so in mortgage, or with the Husbands, Guardians, Trustees, or Committees, of any such Mortgagees or Lessees, being respectively Women under Coverture, or under any other Disability, shall be, and the same is and are hereby declared to be good, valid, and effectual in the Law, for the discharging of any such Mortgage or Mortgages, and for charging His Majesty's said Lands, and the Lessees thereof for the time being, with the payment to His Majesty, His Heirs and Successors, of the interest of such monies as

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shall, in pursuance of this Act, and of any such Agreements, be advanced by, or by the Order of, the said Chancellor and Council for the purposes aforesaid, notwithstanding any disability in the parties making or entering into the same agreements respectively.

VII Interest due to His Majesty under any Agreement in pursuance of this Act may be distrained for as for Rent.

All Interest, or Money in respect of Interest, which shall or may, by or under any such Agreement or Agreements respectively, be or become payable to His Majesty by or from any of his Lessees, for or in respect of any sum or sums to be paid under the Direction of the said Chancellor and Council, by virtue and in pursuance of this Act, and the Powers and Authorities hereby to them in that behalf given, shall be deemed and considered as or in the nature of rent payable to His Majesty, His Heirs or Successors, and to be issuing out of the messuages, lands, and hereditaments, of His Majesty, His Heirs and Successors, held and enjoyed by the Party or Parties to such Agreement or Agreements, by virtue of any such subsisting Lease or Leases, their Executors, Administrators, and Assigns; and in case of the nonpayment of such interest, according to the terms, tenor, and effect of such Agreement or Agreements respectively, the same shall and may be distrained for, and be recoverable and recovered by the King's Majesty, His Heirs and Successors, and His and their Receivers, Bailiffs, and other Ministers, as rent due from such Lessees respectively, their Executors, Administrators, and Assigns, and issuing out of, and chargeable upon the said messuages, lands and hereditaments respectively, in the same and like manner, in all respects whatsoever, as if the said interest, or money in respect of interest, had been reserved by way of rent unto the King's Majesty, or His Predecessors, or His or Their Heirs or Successors, in and by the subsisting lease or leases under which the said messuages, lands or hereditaments are held and enjoyed respectively.

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