ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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C A P. II.

An Act to enable His Royal Highness *Albert Edward* Prince of *Wales* to make Leases and Grants of Land and Hereditaments, Parcel of His said Royal Highness' Duchy of *Cornwall*, or annexed to the same; and for the other Purposes therein mentioned. [15th *March* 1842.]

WHEREAS His Royal Highness *Albert Edward* Prince of *Wales* now stands seised of the Duchy of *Cornwall* and the Possessions thereof of an Estate of Inheritance under a special Form of Limitation differing from the ordinary Rules of Inheritance at Common Law, whereupon Doubts have arisen whether Leases and Grants made by His said Royal Highness of any of the Possessions of His said Duchy will be good and effectual in Law longer than for the Life of His said Royal Highness: For avoiding of which Doubts, and for the Ease and Quiet of the Minds of such Persons as have taken or shall hereafter take Leases or Grants from His said Royal Highness, and to the end that such Persons may be sure to have good and indefeasible Estates, and be encouraged to lay

out Monies in building and repairing or otherwise improving the several Lands and Tenements to them demised or granted, or to be demised or granted, and to take Sets or Leases of the Mines and Minerals Parcel of the said Possessions, be it enacted by the Queen'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, That all Leases or Grants made or to be made by His said Royal Highness, by Letters Patent or Indentures under the Great or Privy Seal of His said Royal Highness, or by Copy of Court Roll, of any Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments, Parcel of the Possessions of the said Duchy of *Cornwall*, or annexed to the same, shall be good and effectual in Law, according to the Purport and Contents of the said Leases or Grants, against Her Majesty, Her Heirs and Successors, and against the Heirs and Successors of His Royal Highness, Dukes of *Cornwall*, and against all and every Person or Persons who shall or may inherit or succeed to the said Duchy, according to the said Limitation or otherwise.

All Leases, &c. granted by His Royal Highness the Prince of Wales declared valid.

II. Provided always, and be it enacted, That every such Lease or Grant so made or to be made of any such Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments, in Possession, shall be and shall be made for Three Lives or fewer, or for Thirty-one Years or under, or for some Term of Years determinable upon One, Two, or Three Lives, and not above; and if such Lease or Grant be made in Reversion or Expectancy, that then the same, together with the Estates in Possession, do not exceed Three Lives, or the Term of Thirty-one Years, and be not in anywise dispunishable of Waste; and so as upon every such Lease or Grant there be or shall be reserved the ancient or most usual Rent or more, or such Rent as hath been reserved, yielded, or paid for such of the Premises as are or shall be contained therein for the greater Part of Twenty Years next before the making of the said Lease or Grant, such Rent to be reserved, due, and payable to such as have the Inheritance or other Estate of and in the said Duchy; and where no such Rent hath been reserved or payable, that then upon every such Lease or Grant there be or shall be reserved a reasonable Rent, not being under the Twentieth Part of the clear yearly Value of the Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments contained in such Lease or Grant; and where the Subject Matter of such Lease or Grant shall be Mines, Minerals, or Tolls, Dues, or Royalties in respect of Mines or Minerals, that then upon every such Lease or Grant there be or shall be reserved a reasonable Rent, Payment, Toll, Due, Dole, or Dish, without taking or requiring any Fine or Fines whatsoever.

Conditions and Duration of Leases.

III. And whereas certain Parts of the Possessions of the said Duchy are capable of Improvement by the Erection of substantial Buildings thereon, and by the Cultivation of Waste Lands, which cannot be undertaken by the Lessees unless they are secured by a longer Interest in the Premises than Thirty-one Years, or a Term of Years determinable upon Three Lives; be it enacted, That it shall and may be lawful for His said Royal Highness, and His said Royal Highness

Leases for Buildings, Cultivation of Wastes, or working Minerals.

is hereby empowered, to make Leases and Grants, by Letters Patent or Indentures under the Great or Privy Seal of His said Royal Highness, of any Lands, Tenements, or Hereditaments, Parcel of the Possessions of the said Duchy, or annexed to the same, for any Term of Years not exceeding the Term of Ninety-nine Years, expressly for the Purpose of improving the same by erecting substantial Buildings thereon, or for the Purpose of improving Waste Lands by Cultivation or otherwise: Provided always, that upon all such last-mentioned Leases or Grants so to be made improved annual Ground Rents be reserved and made payable as aforesaid during the Terms therein limited, and no Fines or other Considerations be taken by His said Royal Highness further or other than the improved annual Ground Rents hereby directed to be reserved as aforesaid.

Covenants in Leases as effectual as if His Royal Highness was possessed of an absolute Estate.

IV. And be it enacted, That all Covenants, Conditions, Reservations, and Agreements contained in every such Lease or Grant made or to be made as aforesaid shall be good and effectual in Law, according to the Words and Contents of the same, as well for and against them to whom the Reversion of the said Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments shall come, as for and against them to whom the Interest of such Leases or Grants shall come, respectively, as if His said Royal Highness, at the Time of making such Covenants, Conditions, Reservations, and Agreements, had been or were seised of an absolute Estate in Fee Simple in the same Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments.

Saving of Rights.

V. Saving always to all and every Person and Persons, Bodies Politic and Corporate, their Heirs and Successors, Executors, Administrators, and Assigns, other than His said Royal Highness, His Heirs and Successors, Dukes of *Cornwall*, and other than Her Majesty, Her Heirs and Successors, and all and every Person and Persons, and the Lessees of such Person and Persons, that shall hereafter inherit and enjoy the said Duchy of *Cornwall*, by force of any Act of Parliament or other Limitation whatsoever, all such Rights, Titles, Estates, Customs, Interests, Tenures, Terms, Claims, and Demands whatsoever, of what Nature, Kind, or Quality soever, of, in, to, or out of the said Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments, or any of them, Parcel of or annexed to the said Duchy of *Cornwall*, as they or any of them had or ought to have had before the making of this Act, to all Intents and Purposes, and in as large and ample Manner and Form, as if this Act had never been made, this Act or any thing herein contained to the contrary notwithstanding.

Her Majesty during the Minority of His Royal Highness to exercise the Rights and Powers of His Royal Highness.

VI. And whereas Doubts may exist respecting the Extent of the Power and Authority of Her most Excellent Majesty as Guardian of His said Royal Highness during the Minority of His said Royal Highness, and it is expedient that such Doubts should be removed; be it therefore declared and enacted, That it shall be lawful for Her Majesty, during such Minority, to exercise, in the Name and on the Behalf of His said Royal Highness, all the Rights, Powers, Privileges, and Authorities which appertain to or might be exercised by His Royal

Royal Highness in respect of His said Duchy of *Cornwall* if of full Age; and that all Acts, Matters, and Things done or to be done during such Minority, in the Name and on the Behalf of His said Royal Highness, by Her Majesty, as such Guardian, or by any other Persons acting under the Authority of Her Majesty, in pursuance of and in conformity with the Powers and Authorities to them in that Behalf committed by Her Majesty, shall be good, valid, and effectual in Law as if the same had been and were done, and the same shall to all Intents and Purposes be deemed and taken to have been and to be done, by His said Royal Highness Himself, in His own proper Person, and at His full and perfect Age: Provided always, that all Leases and Grants of any of the Possessions of the said Duchy to be made during the Minority of His said Royal Highness shall be subject to the Provisions of this Act: And provided also, that all Offices, Appointments, and Employments belonging to His said Royal Highness in right of His said Duchy, given or bestowed during such Minority, which may by Law be given or bestowed during Pleasure, shall be determinable by His said Royal Highness at any Time after he shall attain the Age of Twenty-one Years.

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