

ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

****

CAP. LV.

An Act to amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [29th *July* 1844.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure*, and was amended and explained by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty; and it is expedient further to amend and explain the said Acts in certain respects: 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 the Provisions of the aforesaid Acts, or either of them, as to the Recovery of Expences, Costs, and Charges

4 & 5 Vict. c. 35.

Provisions of former Acts as to Re-

covery of Expences, Costs, &c. to extend to Cases where there shall not be an Apportionment.

Charges to be paid by any Tenant, being a Trustee, and not beneficially interested in the Lands of which he stands admitted Tenant, to be affected by any Commutation or Enfranchisement under the aforesaid Acts or this Act, shall extend as well to Cases in which there shall not be an Apportionment on Commutation or Enfranchisement in pursuance of the said aforesaid Acts or this Act, as to Cases in which there shall be an Apportionment on Commutation or Enfranchisement in pursuance thereof.

Persons having a limited beneficial Interest only may charge Expences on the Lands, &c.

II. And be it enacted, That every Person beneficially interested in the said Lands, having a limited beneficial Interest only, and who shall pay any such Expences, Costs, and Charges to any Tenant, being such Trustee as aforesaid, may, with the Consent of the Copyhold Commissioners under their Hands, and by a simple Entry on the Court Rolls of the Manor, and for which Entry the Steward shall only charge Thirteen Shillings and Four-pence, and which shall not be subject to any Stamp Duty, charge such Expences, Costs, and Charges, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, on the Lands to which the same relate; but so, nevertheless, that the Principal charged on such Lands be lessened in every Year following such Charge One Twentieth at least of such original Charge, and shall be subject to previous Mortgages.

Where Trustee is Tenant, and not beneficially interested, the Person beneficially interested at the Date of Confirmation of Commutation, &c. shall be deemed beneficially interested.

III. And be it enacted, That as to any Lands to be affected by any Commutation or Enfranchisement without Apportionment under the aforesaid Acts or this Act, or any of them, of which the Tenant, being a Trustee and not beneficially interested therein, stands admitted Tenant, the Person beneficially interested therein at the Date of the Confirmation of the Commutation Agreement, or at the Date of the Conveyance Deed, or other Assurance by which the Enfranchisement is made, as the Case may be, shall be deemed, for all Purposes in regard to Expences, Costs, and Charges which any such Trustee may have to pay under the aforesaid Acts or this Act, to be the Person beneficially interested in such Lands within the Meaning of the aforesaid Acts and this Act respectively.

Provisions for charging and securing of the Consideration Money of any Enfranchisement to extend to Cases in which there shall not be an Apportionment, &c.

IV. And be it enacted, That the Provisions of the aforesaid Acts, or either of them, charging and securing, and authorizing the charging and securing of the Consideration Money of any Enfranchisement under the said Acts, and the Costs of the Charges, with Interest, and also as to the Priority of the Charges and Securities of or for the same, and otherwise in reference thereto, shall, *mutatis mutandis*, extend as well to Cases in which there shall not be an Apportionment on Enfranchisement in pursuance of the aforesaid Acts or this Act, as to Cases in which there shall be an Apportionment on Enfranchisement in pursuance thereof; and on any Enfranchisement where there shall not be such Apportionment the Charge of the Consideration Money of the Enfranchisement, and the Interest thereon, shall commence and be computed from the Date of the Conveyance, Deed, or Assurance by which the Enfranchisement shall be made.

Commutations or Enfranchise-

V. And be it enacted, That, in addition and subject to the Provisions of the aforesaid Acts or either of them, any Commutation or Enfranchise-

Enfranchisement may be made wholly or in part for the Consideration of a Conveyance of Lands, or of any Right to Mines or Minerals, although the said Lands or the said Right to Mines or Minerals so to be conveyed shall not be Parcel of or situate in or under the Lands of the same Manor as the Lands so to be commuted or enfranchised; provided that the said Lands or the said Right to Mines or Minerals can be conveniently held with the same Manor in the Opinion of the Copyhold Commissioners, and are subject, so far as the Difference of Tenure may permit, to the same Uses and Trusts as the Lands so to be commuted or enfranchised shall be subject to at the Time of such Commutation or Enfranchisement, or to Uses and Trusts in correspondence with which the said Lands shall be then settled at Law or in Equity; and that it shall be lawful for the Person empowered by the aforesaid Acts to obtain such Commutation or Enfranchisement to convey the said Lands or Rights to Mines and Minerals to the Person commuting or enfranchising the Lands proposed to be commuted or enfranchised, and to his Heirs, to the Uses, and upon and for the Trusts, Intents, and Purposes, to, upon, and for which the Manor of which the Lands commuted or enfranchised are Parcel shall be subject and held at the Time of such Commutation or Enfranchisement; subject always, as to any Leases to which such Lands may be subject, to all the Provisions of the last-mentioned Act in respect to Lands therein permitted to be conveyed.

ments may be made in consideration of the Conveyance of Lands, &c. not Parcel of the Manor, but subject to the same Uses as those commuted.

VI. And be it enacted, That in case any Trustee nominated by the Copyhold Commissioners under the aforesaid Acts or this Act should be desirous of resigning, or should become incapable of acting, the Commissioners may, if they shall think proper, appoint some other fit Person in like Manner as if a Vacancy had occurred under the Provisions of the secondly herein-before recited Act.

For supplying Vacancies.

VII. And be it enacted, That the Provisions of the said first herein-before recited Act, authorizing Distress and Entry in Cases of Nonpayment of the Rent-charge authorized by the aforesaid Act to be granted, shall extend and be applicable to all Rent-charges granted and made payable under and by virtue of the said secondly herein-before recited Act or this Act.

Extending Provisions of recited Act to Rent-charges under this Act.

VIII. And be it enacted, That this Act shall be taken and construed to be Part of the aforesaid Acts, and that all Proceedings which may have been had, and all Commutations and Enfranchisements which may have taken place, under the said recited Acts or either of them, and all Matters and Things incident thereto, shall be of the same Force, Validity, and Effect as if the Provisions of this Act had been contained in the said first-recited Act.

This Act to be construed as a Part of the recited Acts.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, this Session.

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