

ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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CAP. V.

An Act to enable His Majesty to make Leases, Copies, and Grants of Offices, Lands, and Hereditaments, Parcel of the Duchy of *Cornwall*, or annexed to the same. [30th *July* 1831.]

WHEREAS His most Excellent Majesty now stands seised of the Duchy of *Cornwall* and the Possessions thereof: And whereas some Doubts may arise in relation to His Majesty's making of Leases and Grants of Offices, Lands, and Hereditaments, Parcel of His said Duchy, or thereunto annexed or belonging: For obviating whereof, and for the Ease and Quiet of the Minds of such Persons as have taken or shall hereafter take Leases from His said most Excellent Majesty, 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 to be demised; be it therefore enacted by the King'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 during such Time as the said Duchy of *Cornwall* shall remain vested in His Majesty, it shall and may be lawful for His Majesty, from Time to Time, by Warrant under His Sign Manual, to be countersigned by any Three or more of the Commissioners of His Majesty's Treasury

His Majesty may authorize certain Persons to grant Leases, &c. of Lands and execute

Appointments in the Duchy of Cornwall.

Treasury of the United Kingdom of *Great Britain* and *Ireland*, to authorize such and so many of the regular Officers of the said Duchy, who by virtue of their several Appointments and Offices are concerned in the general Superintendence and Management of the Revenues and Affairs of the said Duchy, being not more than Five and not less than Three in Number, as His Majesty may think fit, to demise or lease, in His Majesty's Name and on His Majesty's Behalf, by Deed under the Hands and Seals of any Two or more of them, all and every the Manors, Messuages, Parks, Tenements, Lands, and Hereditaments, Parcels of the Possessions of the said Duchy of *Cornwall*, or annexed to the same, provided that the Lessee or Lessees in such Leases respectively to be named do and shall duly execute a Counterpart or Counterparts of the Lease or Leases so to be made to him, her, or them respectively; and also to constitute and appoint, in His Majesty's Name and on His Majesty's Behalf, by Deed or other Instrument executed by any Two or more of them, all such Persons as shall be specially named by His Majesty to be Stewards, Commissioners for assessing the ancient Duchy Lands and Tenements, or other Officers of the said Duchy, during His Majesty's Pleasure, and also to pass the Accounts of all Receivers, Bailiffs, and Collectors accounting for the Revenues of the said Duchy; and all such Leases or Grants so made or to be made of any Manors, Messuages, Parks, Tenements, Lands, or Hereditaments, by virtue of such Warrant, shall be good and effectual in Law, according to the Purport and Contents thereof, against our Sovereign Lord the King, His Heirs and Successors, and against all and every other Person or Persons that shall at any Time hereafter have, inherit, or enjoy the said Duchy, by force of any Act of Parliament, or by other Limitations whatsoever: Provided always, that every such Lease or Grant so made or to be made of any Manors, Messuages, Parks, Tenements, Lands, or Hereditaments, in Possession, 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 any 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 Leases or Grants, and shall be reserved, due, and payable to such as have the Inheritance or other Estate of 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, Tenements, Lands, or Hereditaments contained in such Lease or Grant.

Terms of Leases.

Leases may be granted for building, or improving Wastes.

II. And whereas certain Parts of the said Duchy are capable of considerable Improvement, by the Erection of substantial Buildings thereon, and by the Cultivation of Waste Lands, which cannot be undertaken

undertaken by the Lessees unless they are secured by the longer Interest in the Premises than Thirty-one Years, or a Term of Years determinable upon Three Lives; be it further enacted, That it shall be lawful for the said Officers of the said Duchy to be named in His Majesty's said Warrant, and they are hereby empowered, by Deed under the Hands and Seals of any Two or more of them, to demise, lease, or grant any Lands, Tenements, or Hereditaments, Parcel of the Possessions of the said Duchy of *Cornwall*, 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 that the Lessee or Lessees in such Leases or Grants respectively to be named do and shall duly execute a Counterpart or Counterparts of the Lease or Leases so to be made to him, her, or them respectively; and further provided, that upon all such Leases or Grants so to be made improved annual Ground Rents be reserved and made payable, and that in all such Cases of Leases or Grants so to be made for Terms exceeding Thirty-one Years, or exceeding the usual Term determinable upon Three Lives, no Fines or other Consideration be taken, further or other than the improved annual Ground Rents hereby directed to be reserved as aforesaid.

Leases to be previously approved by the Treasury.

III. Provided always, and be it further enacted, That the Terms and Conditions of all Leases and Grants to be granted or made under the Provisions of this Act shall be previously approved by the Commissioners of His Majesty's Treasury, or any Three or more of them.

Covenants to be effectual in Law according to their Contents.

IV. And be it further 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 Intent of the same, as well for and against them to whom the Reversion of the said Manors, Messuages, Parks, Tenements, Lands, or Hereditaments shall come, as for and against them to whom the Interest of such Leases or Grants shall come respectively, as if our Sovereign Lord the King's Majesty, 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, Tenements, Lands, or Hereditaments.

General Saving.

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 Majesty, His Heirs and Successors, and other than the Duke and Dukes of *Cornwall* for the Time being, and his and their Heirs, their Lessees, and all and every other Person and Persons that shall hereafter have, 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,

in, to, or out of the said Manors, Offices, Messuages, Parks, Tenements, Lands, 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 other thing therein contained, to the contrary notwithstanding.

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