



# Duchy of Cornwall Act 1844

## 1844 CHAPTER 65 7 and 8 Vict

An Act to enable the Council of His Royal Highness *Albert Edward* Prince of *Wales* to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of *Cornwall*, to purchase other Lands; and for other Purposes. [6th August 1844]

Whereas it is expedient that Provision should be made for the better Management and Disposition of the Lands and Possessions of the Duchy of *Cornwall*: And whereas under and by virtue of the several Acts of Parliament in the First Schedule to this Act annexed mentioned the several Sums of Bank Annuities in the same Schedule mentioned have been purchased with Monies arising from the Lands and other Possessions of the Duchy of *Cornwall*, and the same are now standing in the Books of the Governor and Company of the Bank of *England* in the Name of the Duke of *Cornwall*, to the several Accounts mentioned in the same Schedule, and the Dividends thereof are payable into the Hands of the Receiver General of the said Duchy of *Cornwall*, as Part of the Revenues thereof: And whereas other Sums of Bank Annuities may hereafter, under and by virtue of other Acts of Parliament, be purchased with Monies arising from the Lands or Possessions of the said Duchy of *Cornwall*, and for the Benefit of the said Duchy: And whereas it is expedient that Power should be given, during the Minority of His Royal Highness *Albert Edward* Prince of *Wales*, now Duke of *Cornwall*, to sell and dispose of the aforesaid Sums of Bank Annuities, or any of them, and to apply the Monies to arise from such Sale and Disposition for the Purposes herein-after mentioned: And whereas the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament:

### Annotations:

#### Modifications etc. (not altering text)

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

### [I.] The Council of His Royal Highness empowered to sell Lands, &c.

It shall be lawful for the Council of His said Royal Highness *Albert Edward* Duke of *Cornwall*, and they are hereby authorized and empowered, at any Time or Times during the Minority of His said Royal Highness, to make sale and dispose of to any

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Person, for such Price or Consideration in Money as to the said Council shall appear sufficient, any Part or Parts of the Lands or Possessions of the said Duchy of *Cornwall*, and for that Purpose to enter into and make, or authorize to be entered into and made, all such Contracts or Agreements as to the said Council shall seem proper.

## **II Mode of carrying Sales into effect.**

Whenever any Contract or Agreement shall have been entered into under the Authority of this Act for the Sale to any Person of any Part or Parts of the Lands or Possessions of the said Duchy, the Purchaser, in case the Purchase Money shall amount to the Sum of Two hundred Pounds, shall pay or cause the same to be paid into the Bank of *England*; and the Cashiers of the Bank of *England*, or One of them, shall, upon the Production of any Note signed by the Receiver General of the said Duchy or by the Secretary of the said Council, specifying the Sum to be so paid, and that it is to be so paid to the Account of the Duke of *Cornwall*, accept and receive the same, and carry the same to the Account of the Duke of *Cornwall* (which Account the Governor and Directors of the Bank of *England* are hereby required to open), and give a Receipt for the same, without Fee or Reward; but if such Purchase Money shall not amount to the Sum of Two hundred Pounds the Purchaser may, at his Option, either pay the same into the Bank of *England*, to be applied as aforesaid, in which Case the Cashiers of the Bank of *England*, or One of them, shall accept and give a Receipt for the same as aforesaid, or into the Hands of the Receiver General of the said Duchy, or of any Receiver or Agent to be appointed for that Purpose by the Council of His said Royal Highness; and the said Council shall, on the Production of the Receipt of the Cashiers or One of the Cashiers of the Bank of *England* for such Purchase Money, or in case the same shall not amount to Two hundred Pounds, then either on the Production of such Receipt, or on the Payment to the said Receiver General, Receiver or Agent, of such Purchase Money, cause to be executed to the Purchaser or Purchasers a Conveyance under the Great or Privy Seal of His said Royal Highness of the Premises agreed to be sold, and cause a Receipt or Acknowledgment to be given for the Purchase Money under the Hands of the Receiver General of the said Duchy; and every such Conveyance and Receipt may be according to the Forms for those Purposes respectively set forth in the Second Schedule to this Act annexed, or in any other Forms which may be deemed more convenient; and every such Conveyance shall be valid and sufficient to pass all the Estate, Right, and Interest of His said Royal Highness, His Heirs and Successors, in and to the Part to which the same shall relate, of the Lands and Possessions of the said Duchy, to the Person therein named as the Grantee, for such Estate or Estates, to such Uses, and upon and for such Trusts, Interests, and Purposes, (if any,) as shall in and by such Conveyance, or by reference therein, or any other Instrument or Deed, be expressed or declared of or concerning the same.

## **III Power to enfranchise Copyhold or Customary Lands.**

It shall be lawful for the Council of His said Royal Highness and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to enfranchise any Messuages, Lands, or Tenements holden of any Manor, Parcel of the Possessions of the said Duchy of *Cornwall*, either with or without the Mines, Minerals, Stone, Substrata, or any of them, in, upon, or under the same, and either together with or without all or any such Common Rights, Liberties, and Privileges as shall have been appendant or appurtenant to or held or enjoyed with such Messuages, Lands, or Tenements immediately before the Enfranchisement thereof, and with such Reservations, Exceptions, and Restrictions, (if any,) and at or for such

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gross Price or Consideration in Money, or such annual or other Rents or Payments, as the Council of His said Royal Highness shall think reasonable; and all Sums of Money agreed to be received for the Enfranchisement of any such Messuages, Lands, or Tenements shall be paid into the Bank of *England*, or to the Receiver General of the said Duchy, or other the Receiver or Agent to be appointed as aforesaid, in the same Manner as herein-before directed with regard to Purchase Monies on Sales by the said Council; and it shall be lawful for the said Council, upon Payment of the Enfranchisement Money in manner aforesaid, to cause to be executed any Deed or Assurance under the Great or Privy Seal of His said Royal Highness (which Deed may be according to the Form for that Purpose set forth in the said Second Schedule to this Act annexed, or in any other Form which may be deemed more convenient), granting unto the Copyhold or Customary Tenant of such Messuages, Lands, or Tenements, and his Heirs, or in such Manner as he shall direct or appoint, the Freehold and Inheritance of the same Messuages, Lands, and Tenements, to be holden as of the Manor within which the same are situate; and every such Grant shall be valid and effectual against His said Royal Highness, His Heirs and Successors; and every Person taking under any such Grant, and his Heirs or Assigns, shall from thenceforth, according to the Estate which shall be granted, have, hold, and enjoy the Messuages, Lands, and Tenements which shall be so granted, with the Appurtenances, discharged from all Customary or Copyhold Tenures, and all manner of Quit Rents, Chief Rents, or Customary Rents, Fines, Heriots, and other Customary Payments, either annual or otherwise, which by or according to the Custom of the Manor of which the same shall have been previously holden would from thenceforth have been payable to His said Royal Highness, His Heirs and Successors, in respect of such Messuages, Lands, or Tenements, but subject nevertheless to such Rights and Powers to enter, get, carry away, and dispose of any Mines, Minerals, Stones, and Substrata which shall be excepted or reserved out of or upon any such Enfranchisement, and to all such other Reservations, Exceptions, Restrictions, Rights, Powers, Privileges, Rents, or Payments, (if any,) as may be excepted, reserved, granted, or made payable in consideration of or upon such Enfranchisement, and shall hold and enjoy, as Freehold Tenant of such Manor, all such Commons and Commonable Rights in and upon every or any of the Commons or Waste Grounds, Parcel of such Manor, as shall have been appendant or appurtenant to or held or enjoyed with the said Messuages, Lands, or Tenements immediately before the Enfranchisement thereof, and shall be thereupon granted as aforesaid.

#### **IV Corporations empowered to purchase Rents charged on their own Lands.**

It shall be lawful for any Body Politic, Corporate, or Collegiate having any Estate or Interest in any Hereditaments which may be subject to any Rent, or any Manorial, Forestal, or other Rights hereby authorized to be sold, to contract for and purchase such Rent, or such Manorial, Forestal, or other Rights, the Statutes of Mortmain, or any other Act or Law, to the contrary notwithstanding.

#### **V Trustees for incapacitated Persons empowered to purchase Rents and to enfranchise Lands; but if the Purchase Money exceeds 200*l.*, with Sanction of a Court of Equity.**

Where any [<sup>F1</sup>person of unsound mind], Infant, Feme Covert, or other incapacitated Person shall be interested in any Hereditaments upon which any Rent hereby authorized to be sold may be charged, or which may be subject to any Manorial, Forestal, or other Rights hereby authorized to be sold, or in any Copyhold or

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Customary Tenements hereby authorized to be enfranchised, then and in such Case it shall be lawful for the Committee of such [<sup>F1</sup>person or unsound mind], or the Guardian of such Infant, or the Trustee for such Feme Covert or other Person under Incapacity, to contract and purchase such Rent, or such Manorial, Forestal, or other Rights, or to contract for and take the Enfranchisement of any such Copyhold or Customary Tenements, on behalf of such [<sup>F1</sup>person or unsound mind], Infant, Feme Covert, or other incapacitated Person, and to apply any Monies in his Hands belonging to such [<sup>F1</sup>person or unsound mind], Infant, Feme Covert, or other incapacitated Person for that Purpose, and in Payment of the Expences attending the same; and this Act, without any further Authority, except in the Instance herein-after mentioned, shall be a sufficient Indemnity to every such Committee, Guardian, and Trustee for the Application of the Money applied in such Purchase or Enfranchisement, and in Payment of the Expences attending the same: Provided nevertheless, that if the Purchase or Enfranchisement Money shall exceed the Sum of Two hundred Pounds the same shall not be so applied without the Sanction and Authority of the [<sup>F2</sup>High Court], which Sanction and Authority the said Court is hereby empowered to give on Petition in a summary Way, or otherwise, as to the same Court shall seem fit.

**Annotations:**

**Amendments (Textual)**

- F1** Words substituted by virtue of [Mental Treatment Act 1930 \(c. 23\), s. 20\(5\)](#)  
**F2** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)

**VI Tenant of particular Estates authorized to raise Money to redeem Quit Rents, Manorial Rights, &c., and for the Purchase of Enfranchisements; but if the Money raised shall exceed 200*l.*, with the Sanction of a Court of Equity.**

And whereas Cases may occur in which it may be desirable that Rents, or Manorial, Forestal, or other Rights, hereby authorized to be sold, should be purchased, in order that the same may become extinguished, or that Copyhold or Customary Hereditaments hereby authorized to be enfranchised should be enfranchised; but by reason of the Hereditaments subject to such Rents, Manorial, Forestal, or other Rights, or such Copyhold or Customary Tenements, not being vested in any Person for an Estate of Fee Simple, or an absolute Estate of Inheritance in possession, or by reason of some Incapacity in the Owner thereof, special Provisions may be expedient for facilitating such Purchases or Enfranchisements; it shall be lawful for any Tenant for Life or Lives, Tenant in Tail, or Tenant for any determinable Fee or determinable Estate of Inheritance, of any Hereditaments upon which any Rent hereby authorized to be sold may be charged, or which may be subject to any Manorial, Forestal, or other Rights hereby authorized to be sold, or of any Copyhold or Customary Tenements hereby authorized to be enfranchised, and for the Committee of any [<sup>F3</sup>person of unsound mind], the Guardian of any Infant, or the Trustee for any Feme Covert or other Person under any Incapacity, or the Husband of any Feme Covert, which [<sup>F3</sup>person of unsound mind], Infant, Feme Covert, or other incapacitated Person shall be Owner of or beneficially interested in any such Hereditaments as aforesaid, for Life, in Tail, or in Fee, or for an Estate of Inheritance, either absolute or determinable, by any Deed or Instrument in Writing to raise any Sum of Money for the Purpose of purchasing such Rent, or Manorial, Forestal, or other Rights, or the Enfranchisement of such Copyhold or Customary Tenements, and paying the Expences attending such Purchase or Enfranchisement, by Mortgage of the said Hereditaments, either in Fee Simple or for any Term of Years, or otherwise, or by Sale of a sufficient Part thereof, or

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otherwise to charge and incumber the same with such Sum, and the Interest thereof, in such Manner as he shall think proper; and every such Mortgage, Sale, Charge, and Incumbrance shall be good and valid in the Law against all Tenants in remainder or reversion, and all other Persons interested in or entitled to the Premises so sold, mortgaged, charged, or incumbered, and all other Persons entitled to or claiming any Debt, Charge, or Incumbrance affecting the Premises so sold, mortgaged, charged, or incumbered; and such Mortgages, Charges, and Incumbrances shall have Priority over all other Debts, Charges, and Incumbrances on the same Premises: Provided nevertheless, that if such Purchase Money shall exceed the Sum of Two hundred Pounds the same shall not be so raised without the Sanction of the said [<sup>F4</sup>High Court], which Sanction the said Court is hereby authorized to grant upon Petition in a summary Way, or otherwise, as to the same Court shall seem fit.

**Annotations:**

**Amendments (Textual)**

**F3** Words substituted by virtue of [Mental Treatment Act 1930 \(c. 23\), s. 20\(5\)](#)

**F4** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)

**VII The Council may exchange Lands.**

It shall be lawful for the Council of His said Royal Highness and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to exchange any Part or Parts of the Lands or Possessions of the said Duchy of *Cornwall* for any Lands, Tenements, or Hereditaments in *England* belonging to any Person whomsoever, and for that Purpose to authorize such Contracts or Agreements to be entered into as to the said Council shall seem proper; and for the Purpose of effecting any such Exchange of any Part of the said Lands or Possessions of the said Duchy it shall be lawful for the said Council to cause a Conveyance to be made to the Person with whom the said Exchange is proposed to be made, or in such Manner as he shall direct or appoint, of the Part or Parts proposed to be given in exchange of the Lands and Possessions of the said Duchy; and every such Conveyance shall be made under the Great or Privy Seal of His said Royal Highness, and may be in the same Form, as nearly as may be, as that set forth in the said Second Schedule to this Act annexed for Conveyances on Sales of any Parts of the said Lands or Possessions, or in any other Form which may be found more convenient; and every such Conveyance shall be valid and sufficient to pass all the Estate, Right, and Interest of His said Royal Highness, His Heirs and Successors, in and to the Part to which the same shall relate, of the Lands and Possessions of the said Duchy, to the Person therein named as the Grantee, for such Estate, to such Uses, and upon and for such Trusts, Intents, and Purposes, (if any,) as shall in and by such Conveyance, or by Reference therein to any other Deed or Instrument, be expressed or declared of or concerning the same; and the Conveyance of the Lands, Tenements, or Hereditaments to be received in exchange on the Part of His said Royal Highness, His Heirs and Successors, may be according to the Form for that Purpose set forth in the said Second Schedule to this Act annexed, or in any other Form which to the said Council may seem more proper; and the Lands, Tenements, or Hereditaments so received in exchange shall on the Execution of the Conveyances thereof respectively become to all Intents and Purposes Part and Parcel of the Lands and Possessions of the said Duchy of *Cornwall*, and subject to the same Limitations, Provisions, Powers, and Authorities in every respect, including the Powers and Provisions in this Act contained, as the other Lands and Possessions of the said Duchy.

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### **VIII Power to give or receive Money for Equality of Exchange.**

It shall be lawful for the Council of His said Royal Highness to receive or pay any Sum of Money for equalizing any Exchange to be made under the Authority of this Act; and all Sums of Money which shall have been agreed to be received on the Part of His said Royal Highness for Equality of Exchange shall be paid into the Bank of *England*, or to the Receiver General of the said Duchy, or other Receiver or Agent to be appointed as aforesaid, in the same Manner as herein-before directed with regard to Purchase Monies on any Sales by the said Council.

### **IX Council may purchase Lands, &c.**

It shall be lawful for the Council of His said Royal Highness, at any Time or Times during His Minority, to purchase, for and on behalf of His said Royal Highness, His Heirs and Successors, any Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments in *England* in Fee Simple, or any Copyhold Lands or Hereditaments the Freehold of which shall be in His said Royal Highness, or any Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights, whether in Fee Simple or not, which shall be issuing out of or charged upon, or extend or be exercised over, any of the Lands or Possessions of the said Duchy of *Cornwall*, and which shall in the Judgment of the said Council be desirable to be purchased for and on behalf of His said Royal Highness, His Heirs and Successors, and for those Purposes to enter into and make, or authorize to be entered into and made, such Contracts or Agreements as to the said Council shall seem proper; and all such Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges and Rights so to be purchased, shall be conveyed or surrendered to His said Royal Highness, His Heirs and Successors; and such Conveyances may be either according to the Form for that Purpose set forth in the said Second Schedule hereto annexed, or in any other Form which to the said Council shall seem more proper; and all Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, and shall not become extinct by the Conveyance or Surrender thereof, shall on the Completion of the respective Purchases thereof become to all Intents and Purposes Part and Parcel of the Lands and Possessions of the said Duchy of *Cornwall*, and be subject to the same Limitations, Provisions, Powers, and Authorities in every respect, including the Powers and Provisions in this Act contained, as the other Lands and Possessions of the said Duchy.

### **X The Council may purchase Leases.**

It shall be lawful for the Council of His said Royal Highness, at any Time during the Minority of His said Royal Highness, to purchase or take in exchange from any Person whomsoever any Lease, Term of Years, or Chattel Interest which may for the Time being be subsisting of or in any Manors, Messuages, Lands, Tenements, or Hereditaments, Part of the Lands or Possessions of the said Duchy, and to enter into such Contracts or Agreements for that Purpose as to the said Council shall seem proper.

### **XI Leases purchased under the Authority of this Act may either be merged or kept on foot.**

In every Case in which any subsisting Lease, Term of Years, or Chattel Interest of or in any Part of the said Lands and Possessions of the said Duchy shall be purchased or taken in exchange by the Council of His said Royal Highness it shall be lawful for the

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said Council either to cause the same to be surrendered to His said Royal Highness or otherwise, in order that the same may merge in the Reversion expectant thereon, and become extinguished therein, or to cause the same to be assigned to any Person as a Trustee for His said Royal Highness, His Heirs and Successors, in order that the same may be kept on foot distinct from the Inheritance.

## **XII Powers of Sale and Exchange to extend to Leases purchased.**

The Powers of Sale and Exchange herein-before given to the Council of His said Royal Highness shall extend to the enabling them to sell any Lease which shall have been purchased or taken in exchange under the Provisions herein-before contained, and shall not have been surrendered or merged, and to exchange the same, either for any Lands held in perpetuity, or for any other Lease hereby authorized to be purchased, and to convey any Part or Parts of the Lands and Possessions of the said Duchy in exchange for any such Lease; and that on every such Sale or Exchange the Purchase Money, or any Sum of Money agreed to be received on the Part of His said Royal Highness for Equality of Exchange, shall be paid in the same Manner as is herein-before directed with respect to Purchase Monies on Sales of any other Part of the Lands and Possessions of the said Duchy; and the said Council shall on the Sale of any Lease, Term of Years, or Chattel Interest which shall have been purchased or taken as aforesaid, on Payment of the Purchase Money, or in case of an Exchange of any such Lease, Term of Years, or Chattel Interest, on the Conveyance or Assignment of the Lands and Hereditaments to be received in exchange being executed, cause the Trustee in whom the said Lease, Term of Years, or Chattel Interest shall be then vested to assign the same to the Purchaser, or as he shall direct; and every such Assignment shall be good, valid, and effectual; and the Parties claiming under any such Assignment shall hold the said Lease, Term of Years, or Chattel Interest discharged from any Trust for His said Royal Highness, His Heirs and Successors; and the said Council shall, in and by such Assignment, or by a separate Instrument, at the Option of the Purchaser or Person paying the same, acknowledge the Payment of the Purchase Money, or the Money, if any, to be received by His said Royal Highness for Equality of Exchange.

## **XIII Incorporated Persons empowered to sell.**

It shall be lawful for all Bodies Politic, Corporate, or Collegiate, and for all Trustees, for the Time being possessed of or entitled to any Leases, Terms of Years, or Chattel Interests, or to any Manors, Lordships, Messuages, Lands, Tenements, Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights which the Council of His said Royal Highness shall be desirous of purchasing, under the Powers herein-before given, and for all Tenants for any Interest short of an absolute Interest therein, and for the Guardian or Committee of any Person interested therein who shall be an Infant, [<sup>F5</sup>person of unsound mind] , Idiot, or otherwise incapacitated to act for himself, to contract and agree with the said Council for the absolute Sale to His said Royal Highness of such Leases, Terms, Chattel Interests, Manors, Lordships, Messuages, Lands, Tenements, Hereditaments, Rents, Annuities, Pensions, Rights of Common or Mining, Charges or Rights, and to assign, release, convey, or surrender the same accordingly; and every such Contract, Agreement, Assignment, Release, Conveyance, and Surrender shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if the same were made by a Person absolutely entitled to the Property sold, and under no Disability or Incapacity.



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**Annotations:**

**Amendments (Textual)**

**F5** Words substituted by virtue of [Mental Treatment Act 1930 \(c. 23\), s. 20\(5\)](#)

**XIV Application of Purchase Money in case of Purchase from Persons incapacitated.**

Where any Purchase shall be made from any Body Politic, Corporate, or Collegiate, or Person under any Disability or Incapacity, or not having Power to sell, except under the Provisions herein-before contained, the Purchase Money, in case the same shall amount to the Sum of Fifty Pounds, shall with all convenient Speed be paid into the Bank of *England*, with the Privity of the [<sup>F6</sup>Accountant-General of the Supreme Court] , to be placed to the Account of such Accountant General *ex parte* the Duke of *Cornwall*, without Fee or Reward; and such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, or otherwise, as the said Court shall think just and equitable, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Property; and in the meantime, until the same shall be so applied, the said Money shall, by Order of the said [<sup>F7</sup>High Court] , upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pound *sper Centum* Consolidated Bank Annuities; and the Dividends and annual Produce of the said Consolidated Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Property sold; but such Money, in case the same shall not amount to the Sum of Fifty Pounds, shall be applied, in such Manner as the Council of His said Royal Highness shall think fit, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Property.

**Annotations:**

**Amendments (Textual)**

**F6** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 135](#)

**F7** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)

**XV Similar Provision as to Monies to be received for Equality of Exchange.**

Where any Exchange shall be made with any Body Politic, Corporate, or Collegiate, or Person under any Disability or Incapacity, or not having Power to exchange, except under the Provisions herein-before contained, and any Money shall on such Exchange be agreed to be paid by the Council of His said Royal Highness for Equality of Exchange, such Money shall be paid and applied as herein-before directed in the Case of Purchase Money on a Purchase from any Body Politic, Corporate, or Collegiate, or Person under Disability or Incapacity, or not having Power to sell, except under the Provisions herein-before contained.

**XVI Persons in possession to be deemed entitled till the contrary be shown.**

Provided always, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of



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the [<sup>F8</sup>Accountant-General of the Supreme Court] , pursuant to the Directions of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of such Bank Annuities, the Person who shall have been in possession of the Property so purchased or exchanged at the Time of the Purchase or Exchange shall be deemed to have been lawfully entitled to such Property according to such Possession, until the contrary shall be shown to the Satisfaction of the said [<sup>F9</sup>High Court] , and the Dividends or Interest of the Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession or Receipt was wrongful, and that some other Person was lawfully entitled to such Property.

**Annotations:**

**Amendments (Textual)**

**F8** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 135](#)

**F9** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)

**XVII The Council to cause all Sums received by the Receiver General, &c. under this Act to be paid into the Bank.**

The Council of His said Royal Highness shall cause all Sums of Money, Bills or Drafts, received under the Authority of this Act by the Receiver General of the said Duchy, or by any other Receiver or Agent to be appointed as aforesaid, on the Sale or Exchange of any Parts of the Lands or Possessions of the said Duchy, or on the Enfranchisement of any Messuages, Lands, or Tenements, to be paid, as soon as conveniently may be, into the Bank of *England*, to the Account of the Duke of *Cornwall*.

**XVIII Application of the Monies to arise from Sales, &c.**

All Sums so to arise and be received under the Authority of this Act for or in respect of any Sales of any of the Lands and Possessions of the said Duchy, or for the Enfranchisement of any Messuages, Lands, or Tenements, or for Equality of Exchange of any of the said Lands and Possessions of the said Duchy, shall be applied in the Payment of the Expences on the Part of His said Royal Highness of or relating to such Sales, Enfranchisements, or Exchanges, and in Payment of the Purchase Monies of any Manors, Messuages, Lands, Tenements, Leases, Terms of Years, Chattel Interests, Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, Charges or other Interests, to be purchased under the Authority of this Act, and in Payment of the Monies to be paid for Equality of Exchange on any Exchange to be made under the Authority of this Act, and of the Expences of the said Duchy in or relating to such Purchases or Exchanges, and in Payment of all Sums payable by the Duke of *Cornwall* under or by virtue of the <sup>M1</sup>Duchy of Cornwall (No. 2) Act 1844, and in improving the Lands or Possessions of the said Duchy, by erecting Buildings or executing other Works thereon, or in reclaiming Waste Lands, or otherwise, and in the Discharge of any Incumbrances which now or hereafter are or may be charged upon or affect any of the said Lands and Possessions of the said Duchy.

**Annotations:**

**Marginal Citations**

**M1** 1844 c. 105.

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**XIX Payments to be made by Drafts on the Bank of England, and such Drafts to be an Authority to the Bank.**

All Payments out of the Monies which shall have been paid into the Bank of *England* to the Account of the Duke of *Cornwall*, under the Authority of this Act, shall be made by Drafts under the Hands of any Three or more Members of the Council of His said Royal Highness; and Drafts so drawn, and such only, shall be sufficient Authority to the Governor and Company of the Bank of *England* to pay the Amounts thereof to the Persons mentioned in such Drafts, or to the Bearers of them.

**XX Sums arising from Sales, and not immediately wanted, to be invested in the Three per Cents.**

It shall be lawful for the Council of His said Royal Highness to cause any Monies to arise or be received from or in respect of any Sale or Exchange of any of the Lands or Possessions of the said Duchy, or for the Enfranchisement of any Messuages, Lands, or Tenements as aforesaid, and which may not be immediately wanted for any of the Purposes to which the same are hereby made applicable, to be laid out in the meantime in the Purchase of Three Pound *per Centum* Bank Annuities in the Name of the Duke of *Cornwall*, in which Name the Governor and Company of the Bank of *England* are hereby authorized and required to permit Transfers to be made of the Annuities to be so purchased; and such Transfers shall be accepted by some Officer of the said Duchy, or other Person authorized in that Behalf by the said Council.

**XXI Application of Dividends of Stock.**

The Amount of the Dividends of the Stocks, and Annuities to be purchased as last aforesaid shall, from Time to Time as the said Dividends shall become due, be paid by the Governor and Company of the Bank of *England* to the Receiver General of the said Duchy, and shall be deemed and taken to be Part of the Revenues of the said Duchy, and shall be from Time to Time answered, accounted for, applied, and appropriated to such and the same Uses and Purposes as the other Revenues of the said Duchy.

**XXII Stock may be sold when wanted.**

When and so often as it shall be necessary or expedient to raise any Sum of Money for any Purpose to which Monies to be received under the Authority of this Act from any Sale or Exchange of any of the Lands and Possessions of the Duchy, or from the Enfranchisement of any Messuages, Lands, or Tenements as aforesaid, are hereby made applicable, it shall be lawful for the Council of His said Royal Highness from Time to Time to sell out all or any Part of the said Bank Annuities so to be purchased as aforesaid, and also all or any Part of the said Bank Annuities mentioned in the said First Schedule to this Act annexed, and also all or any Part of such Bank Annuities as shall or may hereafter, under or by virtue of any Acts of Parliament, be purchased with Monies arising from Lands or Possessions of the said Duchy, and for the Benefit of the said Duchy; and the Monies produced by the Sale of any of the said Bank Annuities shall be paid into the Bank of *England*, and be placed to the Credit of the Duke of *Cornwall*, and shall be applied and disposed of by the Council of His Royal Highness in the same Manner and for the same Purposes as and considered in all respects as Part of the Sums to be received under the Authority of this Act for or in respect of any Sales or Exchanges of any of the Lands or Possessions of the said Duchy.

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### **XXIII Transfers may be made by Power of Attorney.**

All Sums of Stock which shall be sold under the Provisions herein-before contained may be transferred by any Person or Persons to be appointed by the Council of His said Royal Highness for that Purpose by any Letter of Attorney under the Hands of any Three Members of the said Council, or under the Seal of the said Council; and the said Governor and Company of the Bank of *England* shall and they are hereby authorized and required to permit all such Transfers to be so made, and shall be and they are hereby exonerated and precluded from seeing or inquiring whether the Bank Annuities sold were duly and properly sold for the Purposes of and in pursuance of this Act, or otherwise as to the Propriety or Regularity of the Sale or Transfer thereof.

### **XXIV The Council may apply the ordinary Revenues of the Duchy for the general Purposes of the Act.**

It shall be lawful for the Council of His said Royal Highness, and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to apply and expend any Part of the accruing and ordinary Revenues of the said Duchy for any of the Purposes for which Monies to be received under the Authority of this Act are hereby made applicable.

### **XXV His Royal Highness may grant Licences to Copyholders to improve their Tenements, and to demise the same.**

It shall be lawful for His said Royal Highness, His Heirs or Successors, to grant to any Copyhold or Customary Tenant of any Messuages, Lands, or Tenements holden of any Manor, Parcel of the Possessions of the said Duchy, a Licence authorizing such Tenant to build on or otherwise improve all or any Part of his Tenement, and to make Roads and Streets in, upon, or through the same, and to annex the same or any Part thereof to adjacent Ground for the Purpose of Improvement, and to pull down any of the Messuages or Erections which now are or at any Time or Times hereafter shall be standing or being on the same Tenement or any Part thereof, and to demise all or any Part of the same Tenement for any Term or Number of Years not exceeding Twenty-one Years, or, for building, rebuilding, or repairing Purposes, for any Term of Years not exceeding Ninety-nine Years, to commence from the Time of granting such Licence, or for any One or more of the Purposes aforesaid; and in every such Licence shall be expressed and fixed the Sum which during the Term to be mentioned in such Licence shall be considered as the annual Value for assessing the Fines payable to His Royal Highness, His Heirs and Successors, upon the Admission of any new Tenant to any Tenement which shall have been built on or improved, or for the building on and improving of which such Licence shall be granted, so that the Sum to be fixed shall not in any Case be less than the best annual Rent which might at the Date of such Licence be reasonably obtained on a Demise of the Premises therein mentioned for a Term of Ninety-nine Years, or for such shorter Term as shall be expressed in any such Licence, without taking any Fine, Premium, or Foregift for the making of such Demise; and so that the Sum so to be fixed shall not be considered as the annual Value according to which the Fine is to be assessed for any greater Number of Years than the Term of Ninety-nine Years, to commence from the Date of such Licence, or such shorter Term as in the said Licence shall be expressed; and so that no Fine, Premium, or Foregift shall be taken for the making or granting of such Licence, save and except the customary annual Fine (if any) for every Year of the said Term to be expressed in such Licence, and such Fees as shall be usual or reasonable in that Behalf; and so that upon the Grant of every such Licence there be saved and reserved to His said Royal

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Highness, His Heirs and Successors, all Fines, Heriots, Rents, Customs, and Services due and to grow due in respect of the Tenements in respect of which such Licence shall be granted: Provided always, that every such Licence shall be entered on the Court Rolls or Court Books of the Manor of which the Tenement in respect of which such Licence shall be granted is holden.

#### **XXVI His Royal Highness may make Grants of Land for Sites for Churches, &c.**

It shall be lawful for His said Royal Highness, His Heirs or Successors, out of the Lands and Possessions of the said Duchy, to give and grant to and vest in any Person, or Body Politic or Corporate, his or their Heirs, Executors, Administrators, or Successors, any Building proper to be used as or converted into a Church or Chapel, or Parochial or District School, and any Ground proper for the Site of any Church or Chapel, with or without a Cemetery or Burial Ground thereto, and any Ground proper for a Cemetery or Burial Ground to any Church or Chapel, and any House, with its Appurtenances, and with or without a Garden thereto, proper for the Residence of the spiritual Person who may serve such Church or Chapel, or of the Master or Mistress of such School, and any Ground proper for the Site or Sites of any such Residence, or of any Parochial or District School, any thing in this Act or any other Law or Statute to the contrary in anywise notwithstanding; and such Person, or Body Politic, or Corporate, his or their Heirs, Executors, Administrators, or Successors, shall have full Capacity and Ability to take, hold, and enjoy the same; and whenever it shall be the Pleasure of the said Council, or of His said Royal Highness, His Heirs or Successors, to make a Grant for any of the Purposes aforesaid, it shall be lawful for the said Council, or for His said Royal Highness, His Heirs or Successors, to make a Grant thereof to any such Person, Body Politic or Corporate, which Grant shall be enrolled in the Office of the Duchy of *Cornwall* as aforesaid, and the Enrolment of such Grant shall be certified at the Foot or on the Back thereof by the Keeper of the Records of the said Duchy, or his Deputy; and the said Grant, when so enrolled, shall be returned, with such Certificate of Enrolment, to the Grantee or Grantees of such Lands and Premises; and from and immediately after such Enrolment thereof the Grantee named in such Grant, and his or their Heirs, Executors, Administrators, or Successors, shall, by force of this Act, be adjudged, deemed, and taken to be in the actual Seisin or Possession of the Premises in the said Grant specified, and shall hold and enjoy the same, either absolutely and in perpetuity, or for such limited Estate, Term, or Interest, and under and subject to such Reservations of Rent, or other Acknowledgments, Conditions, or Restrictions, and upon such Trusts and for such Purposes, as shall be specified, inserted, directed, or contained in such Grant, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable His said Royal Highness, His Heirs or Successors, or His said Council, to grant more than Five Acres in any One Grant for any of the Purposes aforesaid, or to grant any Premises in any One Instance which shall exceed in Value the Sum of Three hundred Pounds.

#### **XXVII Sales, &c. not to be made except under Warrant from the Treasury.**

Provided always, That no Purchase or Sale, except any Purchase or Sale where the Purchase Money shall not exceed One hundred Pounds, and no Exchange, Enfranchisement, or Grant, shall be made under the Powers of this Act without the previous Sanction and Approval of the Lord High Treasurer, or of the Commissioners of Her Majesty's Treasury for the Time being, or some Two or more of them, to be signified by some Warrant under his or their Hand or Hands: Provided nevertheless,

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that such Sanction and Approval may be given either generally for any particular Class of Cases, or for any particular Purchase, Sale, Exchange, Enfranchisement, or Grant, and either with or without any Condition or Restriction, as to the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Two of them, may seem meet.

**XXVIII Purchasers, &c. not to be bound to see that Provisions of the Act have been complied with;**

No Person claiming under any Deed or Instrument by which any Sale, Enfranchisement, Exchange, Licence, or Grant shall be made or purport to be made under the Authority of this Act shall be bound to inquire whether the Provisions of this Act have been duly complied with or not, or whether such Sale, Enfranchisement, Exchange, Licence, or Grant has been in fact authorized by this Act or not, or whether it has or has not been within the Provisions and the true Intent and Meaning of this Act; but every Deed or Instrument by which any Sale, Enfranchisement, Exchange, Licence, or Grant shall purport to be made under the Authority of this Act shall be good, valid, and effectual, as against His said Royal Highness, His Heirs and Successors, for the Purposes for which the same shall have been executed.

**XXIX nor to see to the Application of the Purchase Money.**

No Person paying any Sum of Money under the Authority or supposed Authority of this Act, or in pursuance of or purporting to be in pursuance of any Provision herein contained, shall be bound to see to the Application or be answerable for the Misapplication or Nonapplication of the Money so paid.

**XXX Deeds, &c. relating to Lands, &c. to be enrolled.**

Every Deed or Instrument whereby any Manors, Messuages, Lands, Tenements, or Hereditaments now or at any Time hereafter Parcel of the Lands or Possessions of the Duchy of *Cornwall* shall be hereafter purchased, sold, exchanged, leased, licensed to be demised, enfranchised, or granted, under the Authority of this Act or of any other Act, or otherwise, shall, within Six Calendar Months after the Date of such Deed or Instrument, be enrolled in the Office of the Duchy of *Cornwall*.

**XXXI Keeper of the Records to enrol all Deeds, &c. in due Order of Time, and to certify the same.**

The Keeper of the Records of the Duchy of *Cornwall* shall be and he is hereby required to enrol every Deed and Instrument hereby directed to be enrolled in the Office of the said Duchy in Order of Time as the same shall respectively be brought to the said Office for that Purpose, and certify under his Hand, or under the Hand of his Deputy for the Time being, upon the said Deeds or Instruments respectively, when enrolled, the Fact of their having been so enrolled.

**XXXII Exception as to Conveyances on Sales under 100*l*.**

Provided always, That in case of Sales where the Purchase Money shall not amount to the Sum of One hundred Pounds it shall not be necessary to enrol the Conveyances by which such Sales shall be carried into effect; but the said Council of His Royal Highness, or others the Commissioners for managing the Affairs of the said Duchy

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for the Time being, shall once in every Year cause a Statement of the Part or Parts of the said Possessions and Land Revenues of the said Duchy which shall have been so sold, and of the Sum for which the same shall have been sold, and the Names of the respective Purchasers, to be made out, and the same to be enrolled in the Office of the said Duchy.

### **XXXIIIDeeds, &c. so enrolled not to require any Enrolment in Courts of Law, &c.**

Every Conveyance, Deed, or Instrument whereby any Estate, Manor, Lordship, Messuage, Lands, Tenements, or Hereditaments, or any Interest therein, shall be conveyed or assigned to His said Royal Highness, His Heirs and Successors, under the Authority of this Act, shall, when so enrolled as herein-before directed, without any Enrolment or Acknowledgment thereof in any Court or Courts of Law or Equity, or any Registry thereof, be as good and available, and of the like Force and Effect in all respects, and to all Intents and Purposes, as if the same had been or was enrolled in [<sup>F10</sup>the High Court] , or as if a Memorial had been entered or registered in the Office appointed for registering Deeds and other Conveyances of Land and Tenements in the County or Counties in which the same Estates or any of them are situate, any Act, Law, Practice, or Usage to the contrary in anywise notwithstanding; and the Memorandum of such Enrolment, written or endorsed on such Conveyance, Deed, or Instrument, and purporting to be signed by the Keeper of the Records of the Duchy, or his Deputy, shall be Evidence that the same has been duly enrolled according to the Purport and Effect of such Memorandum and to the Provisions of this Act.

#### **Annotations:**

#### **Amendments (Textual)**

**F10** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)

### **XXXIVEnrolments to be received as Evidence.**

And be it declared, That where any Deed, Certificate, Receipt, or other Instrument which shall appear or purport to have been made, given, or executed under the Authority of this Act, or of any Act heretofore passed relating to the Lands or Possessions of the said Duchy, shall have been enrolled in the Office of the said Duchy, the Enrolment in the Books of the said Office, or an examined Copy thereof, shall, in the Absence of Evidence to the contrary, and without requiring the Production or accounting for the Non-production of the original Deed, Certificate, Receipt, or Instrument, and without calling any attesting Witness thereof, be sufficient Proof of such Original, and of its having been duly made, granted, given, or executed by the Party or Parties by whom the same shall purport to have been signed or executed.

### **XXXV The Council may authorize Enrolments to be made nunc pro tunc.**

In all Cases where the Enrolment of any Deed or other Instrument, or Minute or Document, before the said Keeper of the Records, has been or shall be omitted or delayed beyond the Period provided for the Enrolment and Entry thereof respectively, it shall be lawful for the Council of His said Royal Highness, or others the Commissioners for managing the Affairs of the said Duchy for the Time being, for every reasonable Cause to them shown for the Omission or Delay, and they are hereby authorized and empowered, to permit the making of any such Enrolment or Entry *nunc*

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*pro tunc*; and the same respectively when made under such Authority shall be as valid and effectual as if made within the Period herein-before limited for that Purpose.

**XXXVI The Act not to affect Fees on Enrolments, &c.; the Amounts whereof to be fixed by the Council.**

Provided always, and be That this Act, or any thing herein contained, shall not extend or be construed to take away, abridge, or diminish any Fees which are or may hereafter be payable upon the Enrolment of Deeds or other Instruments, or for the Use of or for making Copies of Records in the Office of the said Duchy; and the Council of His said Royal Highness shall have Power from Time to Time to fix the Amount of Fees to be paid for the Use of the said Records, and for making Copies thereof.

**XXXVII For the Enforcement of certain Covenants in existing Leases.**

And whereas, in Leases heretofore granted and now subsisting of Parts of the Lands and Possessions of the said Duchy, there are contained Covenants or Agreements entered into by the respective Lessees with certain Officers of the said Duchy, and Conditions to be taken advantage of or enforced by certain Officers of the said Duchy, and in the same Leases, or in other Leases heretofore granted and now subsisting of Parts of the Lands and Possessions of the said Duchy, there are contained Covenants, Agreements, or Conditions as to Acts or Things on the Part of the respective Lessees, their Executors, Administrators, or Assigns, to be observed, done, or performed before, with the Consent, or under the Direction of certain Officers of the said Duchy, and by certain Acts of Parliament and otherwise various Duties and Powers are imposed upon and given to certain Officers of the said Duchy: And whereas Changes have taken place and may hereafter take place in the Persons of such Officers, or in the Titles and Duties of their Offices, and it is expedient that Provision should be made in respect thereof;

It shall be lawful for His said Royal Highness, His Heirs or Successors, from Time to Time or at any Time, to appoint any Officer of the said Duchy, or other Person, by whom and in whose Name any Covenants or Agreements entered into by any Lessee with any other Officer of the said Duchy may be sued upon and enforced, and by whom and in whose Name any Conditions which might be taken advantage of and enforced by any other Officer of the said Duchy may be taken advantage of and enforced; and every such Covenant, Agreement, and Condition shall and may be sued upon, taken advantage of, and enforced by and in the Name of the Officer or other Person for that Purpose appointed as aforesaid, as fully and effectually to all Intents and Purposes, and in the same Manner, as the same might have been sued upon or taken advantage of and enforced by and in the Name of the Officer with whom such Covenants or Agreements were entered into, or by whom such Conditions were to be taken advantage of or enforced; and any such Appointment as aforesaid may be made either for any One Case or for any Class of Cases, or for all Cases generally.

**XXXVIII An Officer of the Duchy to be appointed to control Execution of Leases.**

It shall be lawful for His said Royal Highness, His Heirs or Successors, from Time to Time or at any Time, to appoint any Officer of the said Duchy or other Person before or with the Consent or under the Direction of whom all Acts or Things on the Part of any Lessees, their Executors, Administrators, or Assigns, to be observed, done, or performed before or with the Consent or under the Direction of any Officer of the said Duchy, may be observed, done, or performed, instead of before or with



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the Consent or under the Direction of the Officer named or described in such Leases as aforesaid; and in every Case in which in any Lease heretofore granted and now subsisting of any Part of the Lands or Possessions of the said Duchy there are contained any Covenants, Agreements, or Conditions as to any Acts or Things on the Part of the respective Lessees, their Executors, Administrators, or Assigns, to be observed, done, or performed before or with the Consent or under the Direction of any Officer of the said Duchy therein named or described, all and every such Acts or Things shall and may be lawfully and effectually observed, done, or performed before, with the Consent, or under the Direction of any such other Officer of the said Duchy, or other Person for the Time being appointed or authorized in that Behalf as aforesaid; and every Lessee and other Person who, under any Covenant, Agreement, or Condition in any such Lease as aforesaid contained, now is or hereafter shall be bound or liable to observe, do, or perform any such Act or Thing as aforesaid before or with the Consent or under the Direction of any Officer of the said Duchy in the said Lease named or described, shall at all Times hereafter be bound and liable to observe, do, or perform every such Act or Thing before or with the Consent or under the Direction of such other Officer of the said Duchy, or other Person for the Time being appointed or authorized in that Behalf as aforesaid; and in case of any such Lessee or other Person as aforesaid refusing, omitting, or neglecting to observe, do, or perform any such Act or Thing as aforesaid before or with the Consent or under the Direction of such Officer of the said Duchy, or other Person for the Time being to be appointed or authorized as aforesaid, then and in every such Case His said Royal Highness, His Heirs and Successors, shall have and be entitled to all and every the same Rights of Entry, Action, and Suit, and other Rights and Remedies, against the said Lessee or other Person so refusing, omitting, or neglecting as aforesaid, and upon the demised Premises, as His said Royal Highness, His Heirs or Successors, would or might have had if such Lessee or other Person had refused, neglected, or omitted to observe, do, or perform the same Act or Thing before the Officer of the said Duchy in the Lease named or described in that Behalf; and every such Appointment as last aforesaid may be made either for any One Case or for any Class of Cases, or for all Cases generally.

#### **XXXIXAs to the Performance of Duties imposed on certain Officers.**

Where at any Time heretofore any Duties or Powers have, by any Act of Parliament or otherwise, been imposed upon or given to any Officer of the said Duchy, and such Changes have taken or shall take place in the Functions of such Officer or otherwise as shall render it expedient that such Duties or Powers shall be imposed upon or given to some other Officer of the said Duchy, then and in every or any such Case it shall be lawful for His said Royal Highness to appoint any Officer of the said Duchy to fulfil the Duties and exercise the Powers so imposed upon or given to any other Officer of the said Duchy as aforesaid; and all such Duties and Powers shall and may be fulfilled and executed by the Officer so appointed as aforesaid, in his own Name or otherwise, as effectually, to all Intents and Purposes, and in the same Manner, as the same may or might be fulfilled or executed by the Officer originally named or appointed for the Purpose thereof; and every such Appointment as last aforesaid may be made either for One Case or for any Class of Cases, or for all Cases generally, and either as to all of the Duties or Powers of any Officer, or for some exclusively of the other of such Duties or Powers.

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**XL For securing the Use of certain Rooms in or belonging to the Town Hall of Truro for the Vice Warden and Officers of the Court of the Stannaries of Cornwall.**

And whereas the Business of the Court of the Vice Warden of the Stannaries of *Cornwall* is usually carried on in the Borough of *Truro*, but there is at present no proper Court House or other Accommodation for the said Court, and for the Officers and Suitors thereof: And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Truro* in the County of *Cornwall* intend shortly to rebuild the Town Hall of the said Borough, and have offered, in consideration of the Sum of One thousand five hundred Pounds to be paid to them by the Duke of *Cornwall*, to provide such sufficient Accommodation for the said Court and Officers as herein-after mentioned within the new Town Hall of the said Borough, That, provided the said Mayor, Aldermen, and Burgesses of *Truro* aforesaid shall within Two Years after the passing of this Act rebuild the said Town Hall, and provide within the said Town Hall a Court Room, Record Office, and other Rooms proper and sufficient for the Accommodation of the said Vice Warden and Officers and Suitors of the Court of the Stannaries of *Cornwall*, according to Plans to be approved of by the Council of His said Royal Highness, it shall be lawful for the Council of His said Royal Highness, out of the Revenues of the said Duchy, or out of any Sums of Money to be received under the Authority of this Act, to pay to the said Mayor, Aldermen, and Burgesses of the said Borough of *Truro* the Sum of One thousand five hundred Pounds (the Receipt whereof shall be acknowledged under the Common Seal of the Corporation of *Truro*) towards the Expence of erecting the said Town Hall, and that from and after the Payment of the said Sum of One thousand five hundred Pounds the said Court Room shall at all Times when the same shall be required by the said Vice Warden (except at the Times herein-after mentioned) be exclusively appropriated to the Use of the Vice Warden, Officers, and Suitors of the said Court of the Stannaries of *Cornwall* during the Sittings thereof, and shall be at all such Times, as to the cleaning, lighting, warming thereof, and the Attendance therein, and in all other respects, at the entire Disposal of the said Vice Warden; and as to the said Record Office and other Rooms to be provided as aforesaid, the Registrar and other Officers of the said Court shall at all Times thereafter be entitled to the exclusive Use and Occupation of the same, for the Custody of the Records of the said Court, and the Performance of the Duties of their respective Offices: Provided nevertheless, that the said Court Room shall not be required to be so appropriated as aforesaid on the Ninth Day of *November* in any Year, nor during the Election of a Member of Parliament for the County of *Cornwall* or the Borough of *Truro*; but that the said Mayor, Aldermen, and Burgesses shall at such Times, if necessary, provide some other sufficient Room for the Sittings of the said Court: Provided also, that it shall be lawful for the said Mayor, Aldermen, and Burgesses, or their Successors, at any Time hereafter, to repay to His said Royal Highness, His Heirs or Successors, the said Sum of One thousand five hundred Pounds; and that if at any Time hereafter the said Mayor, Aldermen, and Burgesses, or their Successors, shall cease or neglect to provide and maintain such sufficient Rooms and other Accommodation for the Vice Warden, Officers, and Suitors of the said Court, it shall be lawful for His said Royal Highness, His Heirs and Successors, to require such Repayment; and that from and after such Repayment by the said Mayor, Aldermen, and Burgesses, or their Successors, the Obligation to provide and maintain such Rooms and Accommodation as aforesaid shall cease.

**XLI Her Majesty may exercise the Powers vested in the Prince by this Act.**

And be it declared, That it shall be lawful for Her Majesty, or for any Persons acting under the Authority of Her Majesty, during the Minority of His said Royal Highness,

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to exercise, in the Name and on the Behalf of His said Royal Highness, all the Rights and Powers given to or which might be exercised by His said Royal Highness under or by virtue of this Act; and that all Acts, Matters, and Things which shall be done during such Minority, under and by virtue of this Act, in the Name and on the Behalf of His said Royal Highness, by Her Majesty, or any 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 done by His said Royal Highness in His own Person and at His full and perfect Age.

#### **XLII Contracts, &c. may be made by any Three Members of the Council.**

Where by this Act any Contracts, Assurances, Matters, or Things are directed to be entered into, made, or done by the Council of His said Royal Highness (except in Cases which are herein otherwise specially provided for) it shall be lawful and sufficient for such Contracts, Assurances, Matters, and Things to be entered into, made, or done by any Three or more of the Members of the said Council for the Time being; and all Contracts and Assurances purporting to be signed by any Three or more Members of the said Council as aforesaid shall be received in Evidence without any further Proof thereof.

#### **XLIII Certain Licences to search for Minerals not subject to Stamp Duty.**

No Licence, Grant, or Lease to search for or work or get Mines, Minerals, Stone, or Substrata belonging to the Duchy of *Cornwall*, for a Period not exceeding One Year from the Date of such Licence, Grant, or Lease, shall be subject to any Stamp Duty whatsoever.

#### **XLIV Interpretation of Act.**

In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, over and above their several ordinary Meanings, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include a Body Politic or Corporate:

The Words "His Royal Highness, His Heirs and Successors," shall include the Queen's most Excellent Majesty, Her Heirs and Successors, Kings and Queens of *England* for the Time being, entitled to the Lands and Possessions of the Duchy of *Cornwall*, or the Revenues thereof, during a Vacancy of the said Duchy:

The Words "Lands and Possessions of the Duchy of *Cornwall*" the Words "Lands or possessions of the Duchy of *Cornwall*," and the Words "Lands and Possessions," and "Lands or Possessions," applied to the Duchy of *Cornwall*, shall include all Hundreds, Castles, Honors, Lordships, Manors, Forests, Chases, Woods, Parks, Messuages, Lands, Tithes, Fixtures, Franchises, Services, Rents, Pensions, Annuities, Rights, Privileges, Easements and other Land Revenues, Possessions, Tenements, and Hereditaments whatsoever, Parcel of the Duchy of *Cornwall*, or annexed to the same.

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**XLV Act may be amended this Session.**

This Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects*  
*for the Duchy of Cornwall Act 1844. (See end of Document for details)*

## SCHEDULES TO WHICH THIS ACT REFERS.

### FIRST SCHEDULE

#### SUMS OF STOCK STANDING IN THE NAME OF THE DUKE OF CORNWALL, AND ACTS UNDER WHICH THEY WERE INVESTED

**£s.d.**

5,275 7 2 – 3 per Cent. Reduced.	38 Geo. 3. c. 60. Land Tax Redemption Act.
4,576 19 11 – 3 per Cent. Consols.	38 Geo. 3. c. 60. Land Tax Redemption Act.
6,697 2 9 – 3 per Cent. Consols.	5 Geo. 4. c. 78. Act relating to the Rights of Prisage and Butlerage of Wines belonging to the Duchy.
3,741 10 6 – 3 per Cent. Consols.	3 Will. 4. c. 36. Act for making a Railway from London to Birmingham.

### SECOND SCHEDULE

#### Form of Conveyance on Sales by Authority of the Council of His Royal Highness

Know all Men by these Presents, That We, Albert Edward Prince of Wales, Duke of Saxony, Duke of Cornwall and Rothsay, Earl of Chester and Carrick, Baron of Renfrew, Lord of the Isles and Great Steward of Scotland, under the Authority of an Act passed [*here set forth the Title of this Act*], in consideration of the Sum of by *A.B.* of, &c. paid [*here describe the Mode of Payment, whether into the Bank of England, or to the Receiver General, Receiver, or Agent of the Duchy*], do by these Presents grant unto the said *A.B.*, his Heirs and Assigns, [*or, if the Conveyance be to a Trustee or Trustees for the Purchaser,*] do by these Presents, by the Direction and on the Nomination of the said *A.B.*, grant unto *C.D.* of, &c., and his Heirs, all that [*here describe the Premises to be sold, and any subsisting Leases, Contracts, or Charges affecting the same, and in case of Rents, or other incorporeal Hereditaments, Rights, or Charges, describe the Lands which the same are charged on or extend over*], together with [*insert here the general Words applicable to the particular Description of Property*], to have and to hold the said Premises unto and to the Use of the said *A.B.*, his Heirs and Assigns for ever, [*or unto the said C.D., his Heirs and Assigns, as the Case may be; and any Uses to which the Grant is intended to enure, or any Trusts or Purposes upon or for which the Grantees are to hold the Premises, may be declared either by setting out the same on the Grant or by Reference to any other Deed or Instrument; and if the Purchase is of a Rent, Right, or Charge which is meant to be extinguished, add*] to the Intent that the said [*here describe the Rent, Right, or Charge,*] shall cease and be extinguished, and the said [*describe shortly the Premises on which the Rent, Right, or Charge is charged,*] may be absolutely freed and for ever discharged from the same; [*or if the Purchase be of a Rent, Right, or Charge that is not meant to be extinguished, add*] and it is hereby declared that the said [*here describe the Rent, Right, or Charge,*] shall not become extinguished by the Grant thereof hereby made, but shall subsist and continue for the Benefit of the Parties entitled thereto

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under this Grant. In witness whereof to these Presents the Great [*or Privy*] Seal of our Duchy of Cornwall hath been affixed and set, this Day of in the Year of our Lord .

#### Form of Receipt

Received the Day of of and from the above-named [*or, if the Receipt is endorsed, the within-named,*] the Sum of being the Consideration Money expressed in the above-*[or within-]* written Conveyance.

Witness my Hand,

*A.B.*, Receiver General of the Duchy of Cornwall.

#### Form of Enfranchisement Deed

Know all Men by these Presents, That We, Albert Edward, Prince of Wales, &c. [*insert the Titles of the Prince, as in the Form of Conveyance on Sales*], under the Authority of an Act passed [*set forth the Title of this Act*], in consideration of the Sum of by *A.B.* of paid [*describe the Mode of Payment as directed in the said Form of Conveyance on Sales, or otherwise as may be proper*], do by these Presents enfranchise and grant unto the said *A.B.*, his Heirs and Assigns, all that [*here describe the Premises to be enfranchised, including any Rights of Common, &c. intended to be comprised in the Grant*], and all Heriots, Quit Rents, Duties, Suit and Service of Court, and all other Customs and Services due and payable for or in respect of the same Premises or any of them, together with [*insert here the general Words applicable to the particular Description of Property*], but saving and excepting out of this present Enfranchisement and Grant [*insert here the Description of the Mines, Minerals, or other Things (if any) meant to be excepted out of the Enfranchisement, with appropriate Rights and Powers*], to have and to hold the said Premises unto the said *A.B.*, his Heirs and Assigns for ever, in Free and Common Socage, as of the Manor of [*specifying the Manor of which the Property is held*], freed and absolutely discharged from the Copyhold [*or Customary*] Tenure thereof, and of and from all Rents, Fines, Payments, Heriots, Suits, Customs, and Services incident thereto, or by Custom, Prescription, or otherwise howsoever to be paid, rendered, or performed to His said Royal Highness, His Heirs or Successors, for or in respect of the same, but subject [*here insert any Charge or Restriction subject to which the Enfranchisement is intended to be made*] to the Use of the said *A.B.*, his Heirs and Assigns for ever [*or to any other Uses, as in the Form of Conveyance on Sales*]. In witness whereof to these Presents the Great [*or Privy*] Seal of Our Duchy of Cornwall hath been duly affixed and set, this Day of in the Year of our Lord .

Form of Conveyance to His Royal Highness of any Lands agreed to be received in exchange by the Council of His Royal Highness

Know all Men by these Presents, That *IA.B.* of of the County of in consideration of the Conveyance to me, under the Authority of an Act passed [*here set forth the Title of this Act*], of [*here describe the Premises given in exchange*], and also of the Sum of paid to me by the Receiver General of the Duchy of Cornwall for Equality of Exchange, the Receipt whereof I hereby acknowledge, [*this is to be omitted if no Money is given for Equality of Exchange,*] do by these Presents grant and convey unto His Royal Highness Albert Edward Duke of Cornwall, His Heirs and Successors, all that [*here describe the Premises received in exchange on the Part of His said Royal Highness, and any subsisting Leases, Contracts, or Charges affecting the same, and in case of Rents, Commons, or other incorporeal Hereditaments also describe the Lands, &c. which the same extend over*], together with [*insert here the general Words applicable to the particular Description of Property*], to have and to hold the said Premises to His said Royal Highness, His Heirs and Successors [*here insert any Covenants for Title or other Covenants which may have been required from the Party with whom the Exchange is made*]. In witness whereof I the said have hereunto set my Hand and Seal, this Day of in the Year of our Lord

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Form of Conveyance to His Royal Highness of any Lands or Property purchased by the Council of His Royal Highness

Know all Men by these Presents, That *I.A.B.* of in the County of in consideration of the Sum of Pounds paid to me by the Receiver General of the Duchy of Cornwall, the Receipt whereof I do hereby acknowledge, do by these Presents grant and convey unto His Royal Highness Albert Edward Duke of Cornwall, His Heirs and Successors, all that [*here describe the Premises purchased by His Royal Highness, and any subsisting Leases, Contracts, or Charges affecting the same, and in case of Rents, Commons, or other incorporeal Hereditaments also describe the Lands,&c. which the same extend over*], together with [*insert here the general Words applicable to the particular Description of Property*], to have and to hold the said Premises to His said Royal Highness, His Heirs and Successors [*here insert any Covenants for Title or other Covenants which may have been required from the Vendors*]. In witness whereof I the said *A.B.* have hereunto set my Hand and Seal, this Day of in the Year of our Lord .



**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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