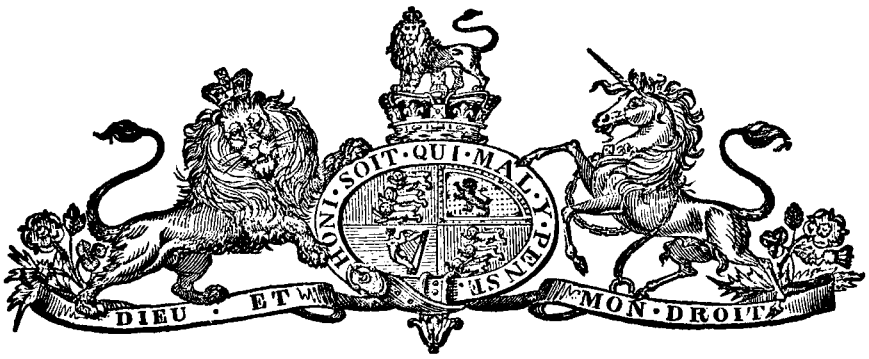


ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. XCIV.

An Act to amend the Copyhold Acts.

[2d *August* 1858.]

WHEREAS it is expedient to repeal certain Provisions of "the Copyhold Acts," and to make further and other Provisions for the Commutation of 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: Be it therefore 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, as follows: 4 & 5 Vict. c. 35. 6 & 7 Vict. c. 23. 7 & 8 Vict. c. 55. 15 & 16 Vict. c. 51. 16 & 17 Vict. c. 57.

I. This Act shall come into operation on the First Day of *October* One thousand eight hundred and fifty-eight. Commencement of Act.

II. The following Acts and Sections and Parts of Sections of "the Copyhold Acts" are hereby repealed; that is to say, Repeal of Acts and Parts of Acts herein named: 16 & 17 Vict. c. 57.

The whole of the Act of the Sixteenth and Seventeenth of *Victoria*, Chapter Fifty-seven, intituled *An Act to explain and amend the Copyhold Acts:*

So much of the Eleventh Section of "The Copyhold Act, 1841," as follows after the Words "substituted in the Place of such Lord, Tenant, or other Person:" 4 & 5 Vict. c. 35. s. 11.

15 & 16 Vict. c. 51. s. 2. The whole of the Second Section of "The Copyhold Act, 1852:"

15 & 16 Vict. c. 51. s. 11. The whole of the Eleventh Section of "The Copyhold Act, 1852:"

15 & 16 Vict. c. 51. s. 27. The whole of the Twenty-seventh Section of "The Copyhold Act, 1852:"

All the Provisions of the Copyhold Acts which authorize Commutations by Schedule of Apportionment, and also all the Provisions which authorize Commutations by a Schedule to be prepared by the Steward, and also all the Provisions which authorize Enfranchisement by Schedule of Apportionment, and also all the Provisions which authorize the charging of Enfranchisement or Compensation Moneys or the Expenses of Commutations or Enfranchisements upon Land, are hereby repealed.

Repeal not to affect Acts done, Rights vested, &c.

III. This Repeal shall not affect any Commutations or Enfranchisements or Charges already effected, or any Rights or Remedies attaching thereto, or any Acts done in pursuance of the Act or Provisions hereby specifically repealed, or Rights or Remedies vested by or resulting therefrom.

Acts not to extend to Ecclesiastical Manors, where Tenant has not a Right of Renewal.

IV. The Copyhold Acts shall not extend to any Manors belonging, either in possession or reversion, to any Ecclesiastical Corporation, or to the Ecclesiastical Commissioners for *England*, where the Tenant hath not a Right of Renewal.

Application of Consideration Moneys in Cases where Enfranchisements might have been effected under 14 & 15 Vict. c. 104.

V. Whenever it shall appear to the Copyhold Commissioners that an Enfranchisement under the Copyhold Acts is one which might have been effected under the Provisions of the Act of the Fourteenth and Fifteenth of Her Majesty, Chapter One hundred and four, intituled *An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in* England, so long as that Act or any Act for continuing the same shall be in force, the Moneys or Rentcharges which form the Consideration of such Enfranchisement shall be paid and applied to the same Account and in the same Manner as if such Enfranchisement had been effected under the said Act of the Fourteenth and Fifteenth of Her Majesty; and all the Provisions of the said last-mentioned Act which affect the Application of Enfranchisement Moneys under that Act shall be applicable to such Enfranchisements as aforesaid, made under the Provisions of the Copyhold Acts; and the Church Estates Commissioners and Ecclesiastical Commissioners shall respectively have the same Powers over such Consideration Moneys, or the Interest accruing thereon, or upon Land, Rentcharges, or Securities acquired in respect of such Enfranchisements, and also over or against any Ecclesiastical Corporation interested therein, as such Commissioners respectively would have had if such Enfranchisement had been effected with the Consent of the Church Estates Commissioners, and under the Provisions of the said Act of the Fourteenth and Fifteenth of Her Majesty or any Act continuing the same: But where any Ecclesiastical Corporation within the Meaning of the said last-mentioned Act or the said Ecclesiastical Commis-

Appropriation of Enfranchise-

Commissioners have only a Reversionary Interest in the Manorial Rights extinguished by Enfranchisement, the Consideration for such Enfranchisement shall be dealt with in the Manner directed by the Thirty-ninth Section of "The Copyhold Act, 1852," until the Time when the said Reversionary Interest in the same Manorial Rights would, if the same had not been extinguished, have come into possession, when the said Consideration, or any Government Securities in which it may have been invested, shall, upon Petition to the Court of Chancery, be paid or transferred to the said Church Estates Commissioners, who shall be considered the Parties become absolutely entitled to such Money, to be dealt with as if they had come into possession thereof in consequence of an Enfranchisement effected under the said Act of the Fourteenth and Fifteenth of Her Majesty.

ment Moneys in Cases of Ecclesiastical Manors.

VI. Notwithstanding the First Section of "The Copyhold Act, 1852," it shall be lawful, from and after the passing of this Act, for any Tenant or Lord of any Copyhold Lands to which the last Admittance shall have taken place before the First of *July* One thousand eight hundred and fifty-three, or of any Freehold or Customary Freehold Lands in respect of which the last Heriot shall have become due or payable before the First of *July* One thousand eight hundred and fifty-three, to require and compel Enfranchisement of the said Lands in the Manner herein and in the said Act mentioned: Provided always, that no such Tenant shall be entitled to require such Enfranchisement until after Payment or Tender (in the Case of Copyhold Lands) of such a Fine, and of the Value of such a Heriot, and in the Case of Freehold and Customary Freehold Lands of the Value of such a Heriot as would become due or payable in the event of Admittance or Death subsequent to the First of *July* One thousand eight hundred and fifty-three, and also, in the Case both of Copyhold and of Freehold or Customary Freehold Lands, of Two Thirds of such a Sum as the Steward would have been entitled to for Fees in respect of such Admittance or Heriot.

Tenant or Lord of certain Copyhold Land may compel Enfranchisement.

VII. And whereas in many Manors Heriots are by Custom due and payable to the Lord by Tenants of Freehold or Customary Freehold Lands holden of such Manors: Be it enacted, That at any Time after any such Heriot shall be due and payable with respect to any such Freehold or Customary Freehold Lands, it shall be lawful for the Lord or the Tenant to require and compel the Extinguishment of all such Claim to Heriots, and the Enfranchisement of the Lands subject thereto, in the same Way as if such Lands were Copyhold; and the same Proceedings shall thereupon be had as are herein and in the Copyhold Act, 1852, mentioned with reference to the Enfranchisement of Copyhold Lands, or as near thereto as the Nature of the Case will admit.

Lord or Tenant may compel Extinguishment of Claim to Heriots.

VIII. When

Mode of effecting compulsory Enfranchisements.

VIII. When any Lord or Tenant shall, under the Provisions of the Copyhold Act, 1852, or of this Act, require the Enfranchisement of any Land held of a Manor, he shall give Notice in Writing (the Lord or his Steward to the Tenant, or the Tenant to the Lord or his Steward,) of his Desire that such Land shall be enfranchised; and the Consideration to be paid to the Lord for such Enfranchisement, and also the Sum to be paid to the Lord in respect of such Fine or Heriot as mentioned in the last preceding Clause, shall, unless the Parties agree about the same, be ascertained under the Directions of the Copyhold Commissioners, and upon a Valuation to be made in the Manner following; that is to say,

Where the Manorial Rights to be compensated shall consist only of Heriots, Rents, and Licences at fixed Rates to demise or fell Timber, or any of these, or where the Land to be enfranchised shall not be rated to the Poor's Rate at a greater Amount than the net annual Value of Twenty Pounds, then the Valuation shall be made by a Valuer to be nominated by the Justices at a Petty Sessions holden for the Division or Place in which the Manor or the chief Part thereof is situate; provided that no Justice, being Lord, either in whole or in part, of such Manor, shall take any Part in nominating such Valuer; subject, however, to these Provisoes: First, that if the Parties agree to recommend to the Commissioners any Person to be the Valuer, such Person shall be nominated by the Commissioners; and Second, that either Party may, upon paying the Charges of his own Valuer, have the Valuation made as next herein-after provided:

But when the Manorial Rights to be compensated do not consist only of Rents and Heriots and such Licences as aforesaid, or when the Land to be enfranchised is rated to the Poor's Rate at a greater Amount than the net annual Value of Twenty Pounds, or where the Valuation to be made is of the Sum to be paid to the Lord in respect of such Fine or Heriot as mentioned in the last preceding Clause, then the Valuation shall, unless the Parties agree to refer it to One Valuer, be made by Two Valuers, One to be appointed by the Lord, and the other by the Tenant; and such Two Valuers, before they proceed, shall appoint an Umpire, to whom any Points in dispute between them shall be referred; and in case the Valuer or Valuers or Umpire, as the Case may be, shall not make a Decision and deliver the Particulars thereof in Writing to the Lord or the Steward and to the Tenant, and to the Copyhold Commissioners, within Forty-two Days after the Appointment of such Valuers, or Reference of the Matter to the Umpire, as the Case may be, then the Commissioners shall fix the Consideration to be paid or rendered to the Lord; and in any Case where, after Notice to the Lord or to the Steward or to the Tenant so to do, either Party shall neglect or refuse, for Twenty-eight Days, to appoint his Valuer,

When Commissioners shall fix Consideration.

the

the Commissioners shall appoint a Valuer for him as soon as may be after the Expiration of such Twenty-eight Days; and in any Case where any Valuers shall, for the Space of Fourteen Days after the Appointment, be unable to agree in the Appointment of an Umpire, the Commissioners shall appoint an Umpire. When Commissioners to appoint Umpire.

IX. The Commissioners may, by an Order under Seal, extend the Time within which this Act directs that any Valuer be appointed, or any Act to be done by such Valuer be performed. Extension of Time for Appointments, &c.

X. After the Valuation has been made, or upon the Receipt of the Agreement of the Parties, the Commissioners, having made such Inquiries concerning the Circumstances of the Case as to them shall seem fit, and having duly considered the Applications made to them by the Parties, may frame an Award of Enfranchisement in the Terms of the Valuation, and in such Form as they shall provide, and may confirm the same; and such confirmed Award shall have the same Force and Validity for all Purposes of Enfranchisement or otherwise as a Deed of Enfranchisement now has under the Provisions of the Copyhold Acts, or would have had under any Provision of the Copyhold Acts which is by this Act repealed; and for all Purposes of declaring the Amount, Nature, and Particulars of the Compensation, and for attaching thereto the Remedies provided by the Copyhold Acts, the said confirmed Award shall have the same Force and Validity as an Award made by Valuers or an Umpire under the Provisions of the Copyhold Acts: Provided nevertheless, that nothing herein contained shall affect the Right of the Steward for the Time being of any Manor to receive such Sum of Money by way of Compensation or otherwise as he would have been entitled to if such Enfranchisement had been effected by a Deed of Enfranchisement under the Provisions of the Copyhold Acts or any of them: Provided also, that the Commissioners shall, Fourteen clear Days before Confirmation of any such Award, serve a Copy of the same in the Form in which it is proposed to be confirmed upon the Steward of the Manor of which the Lands to be enfranchised are held. Award of Enfranchisement.

XI. Whenever a Rentcharge hereafter granted under the Provisions of the Copyhold Acts shall be a Rentcharge varying with the Price of Corn, such Rentcharge shall not be calculated in the Manner now directed by the Copyhold Acts, but shall be calculated upon the same Averages and variable in the same Manner as a Tithe Commutation Rentcharge; but this Amendment shall apply only to Corn Rentcharges hereafter to be imposed, and not to any already existing under the Authority of the Copyhold Acts, but these last-named Corn Rentcharges shall retain their former Character and Incidents. Corn Rentcharges to be calculated as Tithe Rentcharges.

Receipts for Consideration Money, &c. to be produced.

XII. The Commissioners shall not confirm any Award of Enfranchisement where the Consideration is a gross Sum of Money immediately payable, or Land, until the Receipt of the Person entitled to receive the Consideration or Compensation Money has been produced to them, or the Conveyance of the Land has been confirmed by them.

In case of Refusal by Lord.

XIII. If the Lord refuse to receive the Enfranchisement Money it shall be dealt with as is provided in Cases where the Lord is only entitled for a limited Estate.

Owners of enfranchised Lands may use the Soil for Purposes connected with the Enjoyment of the Surface.

XIV. After Enfranchisement, whether under the voluntary or compulsory Proceedings of "the Copyhold Acts," the Owner of the Lands so enfranchised shall, notwithstanding any Reservation of Mines or Minerals in the said Acts or in any Instrument of Enfranchisement contained, have full Power and Right to disturb or remove the Soil so far as may be necessary or convenient for the Purposes of making Roads or Drains or erecting Buildings or obtaining Water upon the said Lands: Provided always, that this shall not prejudice the Rights to any Mines or Minerals, or to work and carry away the same, which were reserved by Section Forty-eight of "The Copyhold Act, 1852."

Enfranchisement Money may be paid to official Trustees of Charitable Funds.

XV. In the Case of a Corporation or other Lord of any Manor holden upon any Charitable Trust within the Provisions of the "Charitable Trust Act, 1853," or "Charitable Trust Amendment Act, 1855," not authorized to make an absolute Sale otherwise than under the Provisions of the said last-mentioned Acts or of the Copyhold Acts, the Consideration Money to be paid for the Redemption or Sale of any Rentcharge, or as Compensation for any Enfranchisement, may, at the Option of the Lord, be paid into the Hands of the official Trustees of Charitable Funds acting under the said Charitable Trusts Acts, in trust for the Charity to which the Manor shall belong; and the Principal Moneys shall be applied by the Trustees, under the Order of the Charity Commissioners for *England* and *Wales*, for the Purposes to which the said Money if paid into the Bank of *England* in the Name of the Accountant General of the Court of Chancery would be applicable under the Copyhold Acts, and in the meantime shall be invested, and the Dividends of such Investments shall be applied, according to the Provisions of the said Acts relating to Charitable Funds paid to such official Trustees.

Enfranchisement Money for the Use of a Corporation, &c. may, at the Option of the Lords of the Manor

XVI. Any Consideration or Compensation Money to be paid to the Use of a Corporation, Lord of a Manor, other than of a Manor holden for Charitable Purposes within the Meaning of the "Charitable Trust Act, 1853," and "Charitable Trust Amendment Act, 1855," may, at the Option of such Lord, be paid into the Hands of Trustees, to be nominated by the Commissioners by Order under Seal, in the same

same Manner as in other Cases already provided for in the Copyhold Acts, and the Money shall be applied by the Trustees, with the Consent of the Commissioners, to the Purposes to which Consideration or Enfranchisement Money paid into the Bank of *England* in the Name of the Accountant General is directed by the Copyhold Acts to be applied; and upon every Vacancy in the Office of such Trustee, or in case any such Trustee should be desirous of resigning, or should become incapable of acting, some other Person shall be appointed by the Commissioners in like Manner.

be paid into the Hands of Trustees.

XVII. Any Compensation or Consideration Money paid for the Use of any Spiritual Person in respect of his Benefice or Cure may, at the Option of the Lord, be paid to the "Governors of Queen "*Anne*'s Bounty for the Augmentation of the Maintenance of the "Poor Clergy," and when so paid shall be applied and disposed of by the said Governors as Money in their Hands appropriated for the Augmentation of such Benefice or Cure should by Law, and under the Rules of the said Governors, be applied and disposed of; and the Receipt of the Treasurer of the said Governors shall be a sufficient Discharge for such Money, and the Person paying the same to such Treasurer shall not be concerned to see to the Application or Disposal thereof.

Enfranchisement Money for the Use of any Spiritual Person may be paid to the Governor of Queen Anne's Bounty.

XVIII. The Commencement of every Commutation or Enfranchisement, and of any Rentcharge, may be fixed by the Memorandum of Confirmation of the Instrument of Commutation or Enfranchisement, or, in default of being so fixed, it shall take place on the Day of Confirmation; but the Commissioners shall have Power to fix the Day whence the half-yearly Payments of the Rentcharge shall commence to be calculated, at any Period not more than Six Months posterior to the Day fixed for the Commencement of the Commutation or Enfranchisement; and the Portion of Rentcharge which shall accrue between the Day of the Commencement of the Commutation or Enfranchisement and the Day fixed by the Commissioners as the Day whence the half-yearly Payments of the Rentcharge shall commence to be calculated shall be paid and recoverable in like Manner as any after-accruing half-yearly Sum is payable or recoverable.

Commencement of Enfranchisement.

XIX. Where any Land proposed to be enfranchised under this Act shall be held of a Manor belonging either in possession or reversion to an Ecclesiastical Corporation within the Meaning of the Act of the Fourteenth and Fifteenth Years of Her Majesty's Reign, Chapter One hundred and four, the Ecclesiastical Commissioners for *England* shall have Notice of such Proceedings, and shall have the same Power of expressing Assent to or Dissent from such Proceedings as is by this Act directed with respect to Persons entitled to the next Estate of Inheritance in reversion or remainder, and the Provisions of the Copyhold Acts respecting such Notices, and all Proceedings thereon

Notice to be given to the Ecclesiastical Commissioners in Cases wherein they are interested.

thereon (except as otherwise by this Act is provided), shall be applicable to such Cases.

Notices how to be given.

XX. Where Notice or other Writing is required to be given to or served on any designated Person or Party, it may be given either by sending it by the Post in a registered Letter to or by leaving it at the Office or usual Place of Abode of such Person, and all Notices required to be given by the Commissioners or any Valuer (the Mode of giving which is not particularly directed) may be in the Name either of the Person giving the Notice or of any Person authorized by the Commissioners to give Notices, and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices may relate.

Consideration Money, &c. may be charged on Land.

XXI. Whenever by the Copyhold Acts Power is given or an Obligation attaches to any Person to pay Money as Consideration or Compensation for Commutation or Enfranchisement, it shall be lawful for such Person, with the Consent of the Commissioners, to charge upon the Land commuted or enfranchised the Sum of Money paid.

Value of Land given as Enfranchisement Consideration may be charged.

XXII. Whenever Land is conveyed as Consideration or Compensation for Commutation or Enfranchisement, and the Person conveying the same was absolute Owner of the Land so conveyed, it shall be lawful for such Person, with the Consent of the Commissioners, to charge upon the Land commuted or enfranchised such reasonable Sum as in the Judgment of the Commissioners may be equivalent in Value to the Land so conveyed.

Power to Lords to charge the Land purchased.

XXIII. Where Power is by the Copyhold Acts given to the Lord to purchase the Tenant's Interest in Land, he shall have the same Right to charge the Land purchased, and also the Manor and any Land settled therewith to the same Uses, as a Tenant has under this Act to charge Enfranchisement Moneys.

Expenses may be charged.

XXIV. Any Expenses incurred in Proceedings under the Copyhold Acts may be charged upon the Manor or upon the Land commuted or enfranchised, or upon both, according as the Obligations to pay may attach, or Expenses payable by the Lord may be paid out of the Compensation or Consideration Money, or be charged upon the Rentcharge or other Consideration or Compensation for Commutation or Enfranchisement.

How Consideration Moneys, &c. may be charged.

XXV. Any Charge under this Act in respect of Consideration or of Compensation Money, or of Purchase Money, or of the Value of Land conveyed, may, when the Parties so agree, and the Commissioners approve, be made for a Principal Sum and Interest, or for a Series of periodical Payments, which, at the Termination thereof at the Period specified, shall leave the Manor or Land discharged.

XXVI. When-

Certain Expenses may be charged as Consideration Money.

XXVI. Whenever by the Provisions of the Copyhold Acts any Lord or Tenant is authorized to raise Money upon Charge, or to purchase or convey any Land, and to charge the Principal or the Purchase Money or the Value upon a Manor or Land, then the Expenses incurred about the raising of such Money upon Charge, or incurred about the Purchase, or Purchase and Conveyance, shall (but as distinct from the general Expenses of Commutation or Enfranchisement) be considered for all Purposes or Effects of charging as Part of the Principal Purchase Money or Value to be charged.

Charge for Expenses not to exceed Fifteen Years.

XXVII. All other Charges in respect of Expenses of Proceedings under the Copyhold Acts (except the Expenses of a Purchase by a Lord) shall be for such Period as the Parties may agree and the Commissioners may approve, not exceeding Fifteen Years, and at such Interest as stated in the Certificate of Charge.

Commissioners may in certain Cases grant Certificates of Charge for Expenses.

XXVIII. If by reason of Disputes as to Title it shall appear to the Commissioners to be uncertain upon what Person the Order to pay Costs or Expenses should be made, the Commissioners may, if they shall so see fit, grant to the Person entitled to receive Payment of such Costs or Expenses a Certificate of Charge upon the Manor or Land, as the Case may be, in respect of which such Costs or Expenses were incurred, which shall operate in all respects as other Certificates of Charge under this Act.

Certificate of Charge.

XXIX. Every Charge under this Act shall be made by a Certificate under Seal of the Commissioners, and countersigned by the Person at whose Instance the Charge is made, to be called a Certificate of Charge; and if such Charge shall be a Series of periodical Payments which, at the Termination thereof at a Period specified, shall leave the Manor or Land discharged, such Series shall be specified in the Certificate; but if the Charge shall be a Principal Sum bearing Interest, and repayable at or before a certain future Date, or after a certain Notice, then such Certificate shall specify the whole Amount of Principal Money to be charged, and shall contain a Proviso declaring that such Certificate shall be void on Payment of the Amount thereby secured, with any Arrears of Interest due thereon, at a Time therein appointed, or at the Expiration of an ascertained Notice; and such Certificate shall state whether the Charge was made in respect of Costs or Expenses, or in respect of Consideration or Compensation Money, and may specify any Place, to be agreed upon between the Parties, as the Place of Payment of the Principal Money and Interest charged by such Certificate; and the Manor or Land charged thereby may be described by Reference to the Enfranchisement Proceedings under the Copyhold Acts, or otherwise, as the Commissioners may see fit.

Certificate transferable.

XXX. Every Certificate and the Charge thereby made shall be transferable by Endorsement on such Certificate.

Lord's Charge to be appurtenant to the Manor.

XXXI. Whenever a Lord of limited Interest shall be entitled to a Certificate of Charge in respect of Enfranchisement Money left chargeable upon the Land enfranchised, the Charge shall remain appendant and appurtenant to the Manor (but not so as to be incapable of being severed therefrom, or to be affected by the Extinction thereof); and the Certificate of Charge shall state that the Lord to whom such Certificate is issued has only a limited Interest in such Charge, or it may purport to be issued to the Lord for the Time being of the Manor; and either of such Statements in such Certificate shall be Notice to all Persons of the limited Interest in such Charge which may pass by Transfer of such Certificate.

Stamp Duty.

XXXII. Every Award of Enfranchisement, Certificate of Charge, and Transfer thereof, issued or made under this Act, shall be chargeable with the like Stamp Duties as are chargeable in respect of Deeds of Enfranchisement, Mortgages, and Transfers of Mortgages.

Priority of Charge.

XXXIII. Any Charge under this Act made in consideration of the Value of Land conveyed as Consideration, or of Consideration or Compensation Money, or of Purchase Money, or of the Expenses of Purchase and Conveyances, shall be a First Charge on such Manor or Land, and shall have Priority over all Mortgages, Charges, and Incumbrances whatsoever affecting such Manor or Land, (except Tithe Commutation Rentcharges, and any Charges or Rentcharges which may have been or shall be charged upon the same Land for the Drainage thereof, by virtue of any of the Statutes in that Behalf,) notwithstanding the actual Priority in point of Date or anterior Title of such Mortgages, Charges, and Incumbrances; but any Moneys already invested or previously secured or charged thereon may be continued on the Security of the same, notwithstanding the Imposition of the said Charge under this Act.

Charge not to merge.

XXXIV. Any such Certificate of Charge may be taken by any Person, although he may be the Lord or Tenant or Owner of any Manor or Land charged thereby; and the same shall not merge in the Freehold, unless the Owner of such Charge shall, by Endorsement upon the Certificate of Charge or otherwise, declare in Writing that it is his Will that such Charge shall merge and cease.

Sums charged how to be recovered.

XXXV. The Owner for the Time being of a Certificate of Charge shall, in respect of any Payment in the Nature of Interest or Instalment that may become due under the Certificate, have the same Remedies and be subject to the same Conditions in the Recovery thereof

thereof as are by the Copyhold Acts provided in respect of Rent-charges; and for a further and additional Remedy in that Behalf, and in respect of any Payment in the Nature of Interest, or of a periodical Payment, or of an Instalment, or of a gross Principal Sum, that may be secured by the Certificate, the Manor or Land shall from the Date of the Certificate stand charged with the respective Sums mentioned in such Certificate to be payable, and until such Payment the Owner for the Time being of the Certificate shall be deemed to stand seised of the Manor or Land as a Mortgagee in Fee thereof, and it shall be lawful for the Person so seised from Time to Time to adopt such Means and Proceedings as a Mortgagee in Fee of Freehold Land is entitled to, for the enforcing Payment of Principal Sums, or Interest, with the like Right to obtain Payment of all attendant and incident Costs and Expenses.

Land charged with Enfranchisement Considerations as on Mortgage in Fee.

XXXVI. A Certificate of Charge may be in the Form following: Form of Certificate of Charge.

'WE, the Copyhold Commissioners, do hereby certify, That the Land mentioned in the Schedule to this Certificate is charged with the Payment to *A.B.*, his Executors, Administrators, or Assigns [*or* "to the Lord of the Manor of for the Time being," *as the Case may be*,] of the following Series of periodical Payments; that is to say, the Sum of £ payable on the Day of A.D. ; the further Sum of £ payable on the Day of A.D. *&c.* [*or* "with the Principal Sum of £ with Interest thereon after the Rate of per Centum per Annum, the Principal to be repayable in manner following; that is to say," *state the Terms*]; and we do further certify that this Certificate of Charge was made in respect of Consideration Money [*or* in respect of Expenses]; and further, that after Payment of the Series of periodical Payments above mentioned [*or* after Payment of the Principal Money hereby charged, and all Arrears of Interest due thereon,] this Certificate shall be void. In witness whereof we have hereunto set our Hands and the Seal of the said Commissioners, this Day of A.D. 18 .

'*The Schedule.*

'*E.F.*
'*G.H.*'

XXXVII. A Transfer of a Certificate of Charge may be in the Form following: Form of Transfer of Certificate.

'I *A.B.* of hereby transfer the within Certificate of Charge to *C.D.* of

'Dated this Day of A.D. .

'*A.B.*'

XXXVIII. When

Owner of Two Thirds in undivided Shares to be "Tenant."

XXXVIII. When Land is held in undivided Shares the Person for the Time being in receipt of at least Two Thirds of the Value of the Rents and Profits of such Land shall be the "Tenant" of such Land for all the Purposes of "the Copyhold Acts."

Agent may be appointed by Power of Attorney.

XXXIX. It shall be lawful for any Lord or Tenant of a Manor, or any other Person interested in any Proceedings under this Act, by a Power of Attorney given in Writing under his Hand, or, in the Case of a Corporation Aggregate, under the Common Seal of such Corporation, from Time to Time to appoint an Agent to act for him in carrying into execution the Provisions of this Act; and all Things which by this Act are directed or authorized to be done by or in relation to any Person may be fully done by or in relation to the Agent so duly authorized of such Person; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to concur in and execute any Agreement or Application or other Document arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof authenticated by the Signature of Two credible Witnesses, shall be sent to the Office of the Commissioners; and any such Power of Attorney may be in the Form following:

'Manor of in the County of

'I [*A.B.*] of, *&c.*, do hereby appoint *C.D.* of, *&c.*, to be my lawful 'Attorney, to act for me in all respects as if I myself were 'present and acting in the Execution of "The Copyhold Act, 1858."

'Dated this Day of One thousand eight 'hundred and

'(Signed) *A.B.*'

Revocation of Power of Attorney.

XL. If any Person, having made such an Appointment as last aforesaid, shall deliver Notice in Writing or under a Common Seal (as the Case may require) of the Revocation thereof to the Commissioners, no Act which shall be done by the Person so appointed, after the Delivery of such Notice, without a fresh Appointment, shall bind the Principal.

Arbitration in case of Difference as to Terms of Enfranchisement in Crown Manors.

XLI. In any Case in which the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of Her Majesty in right of Her Crown, or the Chancellor and Council of the Duchy of *Lancaster*, on behalf of Her Majesty in right of Her said Duchy, shall at any Time hereafter have proceeded, in exercise of the Powers vested in them, to negotiate the Terms for the Enfranchisement of any Hereditaments held of any Manor

Manor vested in Her Majesty in right of Her Crown or of Her Duchy of *Lancaster*, either in possession, or in remainder expectant on any Estate less than an Estate of Inheritance, and either solely or in Coparcenary with any Subject or Subjects, and a Difference of Opinion shall arise between the said Commissioners or either of them, or the said Chancellor and Council, on the one hand, and the Tenant of the said Hereditaments on the other hand, touching the Amount of the Consideration Money to be paid by the Tenant to the said Commissioners or to the said Receiver General of the Duchy of *Lancaster* for such Enfranchisement, it shall be lawful for the said Commissioners or either of them, or for the said Chancellor and Council, if they or he respectively shall so think fit, on the Request of the Tenant, and upon an Agreement for the Enfranchisement being entered into by them or him with such Tenant, to refer it to the Copyhold Commissioners to appoint, as they are hereby authorized to do, some practical Land Surveyor to determine the Amount of the Consideration Money to be paid to the said Commissioners or to the said Receiver General of the Duchy of *Lancaster* for such Enfranchisement, and the Award of such Land Surveyor shall be final and conclusive, and shall not be subject to Appeal or Revision; and the Costs and Expenses of and incident to any Reference to the Copyhold Commissioners, to be made as herein-before provided, shall be treated as Costs and Expenses incurred in the Case of a compulsory Enfranchisement at the Instance of a Tenant.

Provision as to Enfranchisements in Manors belonging to the Crown in remainder, &c.

XLII. Any Manor vested in Her Majesty in right of Her Crown in remainder or reversion expectant on an Estate of Inheritance, and any Hereditaments held of such Manor, may, with the Consent in Writing from Time to Time of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, be dealt with under the Copyhold Acts.

Provision as to Payment of Compensation for such Enfranchisements.

XLIII. In every Case of an Enfranchisement of Land held of any Manor so vested in Her Majesty in remainder or reversion expectant on an Estate of Inheritance, where the Compensation under the Provisions of the Copyhold Acts shall be a gross Sum of Money, the same shall be paid to such Two Persons as Trustees as shall be from Time to Time nominated for the Purpose by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, and by the Person who shall for the Time being be entitled to the Receipt of the Rents and Profits of the Manor, One of such Trustees being from Time to Time nominated by the Commissioners or One of them, and the other of such Trustees being from Time to Time nominated by the Person so entitled for the Time being: Provided always, that in any Case in which the Commissioners, or One of them, and the Person for the Time being so entitled, shall not upon the Occasion of

any Enfranchisement agree that the Compensation, if payable in a gross Sum of Money, shall be paid to Trustees, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Queen's most Excellent Majesty and the Person so for the Time being entitled, and when so paid in the Compensation shall remain to such Account as aforesaid until, by Order of the Court, to be made in a summary Way upon Petition, after Notice to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, by the Person who may be entitled to the Rents and Profits of the Manor, it shall be applied in manner by this Act provided.

Application of such Enfranchisement Money.

XLIV. The Compensation Money paid for any such Enfranchisement shall be applied by any Trustees to be from Time to Time so nominated, or by Direction of the Court of Chancery, if the same shall have been paid into the Bank of *England* to the Credit of the Accountant General of the Court, in the Purchase or Redemption of Land Tax affecting the Manor or any other Land settled to the like Uses as the Manor, or in the Purchase of Land of Fee-simple Tenure, and convenient to be held with the settled Estates; and until such Application of the Compensation Money, it may, by any such Trustees, or by the Accountant General of the Court of Chancery, under Order of the Court, to be made upon Application thereto, after Notice to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, be from Time to Time invested, in the Names or Name of such Trustees or of the Accountant General, in the Purchase of or upon Government or Real Securities; and in the meantime and until such Securities be sold or realized by the Trustees, or pursuant to any Order of the Court for either of the Purposes aforesaid, the Income thereof shall be paid by the Trustees or by the Accountant General, under Order of the Court, to the Person who for the Time being may be entitled to the Rents and Profits of the Manor.

Land to be purchased with Enfranchisement Money to be settled to same Uses as Manor may stand limited to.

XLV. Any Land to be purchased with any Compensation Money to be paid or any Rentcharge to be granted or awarded as the Consideration for any such Enfranchisement shall be settled to such Uses, upon such Trusts, and subject to such Powers and Provisions as will most nearly correspond with the Uses, Trusts, Powers, and Provisions then affecting the Manor in which such Enfranchisement shall be made, and all such Uses, Trusts, Powers, and Provisions shall be valid, and have full Effect, any Law to the contrary notwithstanding.

As to Execution of Enfranchisement Deed.

XLVI. Upon Payment of the Compensation Money as by this Act provided, in any Case in which such Compensation is made by Payment of a gross Sum of Money, or previously to or contemporaneously

poraneously with the Execution of a Deed of Grant or of an Award by the Copyhold Commissioners of a Rentcharge, in any Case in which the Compensation for an Enfranchisement shall be made by way of Rentcharge, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, may concur with the Person for the Time being entitled to the Rents and Profits of the Manor in executing a Deed of Enfranchisement to the Copyholder of the Land to be enfranchised, which shall state in what Manner the Enfranchisement Money, if any, has been applied; and such Deed of Enfranchisement shall, when a Memorial thereof is enrolled as by this Act provided, be effectual to vest in the Copyholder all the Estate, Right, and Interest of the Queen's Majesty, Her Heirs and Successors, in right of Her Crown, and of all other Persons interested therein under the Settlement of the Manor in the Land enfranchised, either absolutely or subject to such Reservations as may be agreed upon; but nothing contained in this Act with reference to Enfranchisements by Awards of the Copyhold Commissioners shall apply to Manors in which Her Majesty, Her Heirs or Successors, may have any Estate or Interest in possession, reversion, or remainder.

Record of such Enfranchisements to be preserved in Office of Land Revenue Records.

XLVII. The Keeper of Land Revenue Records and Enrolments shall, for the Purpose of preserving a Record of such Enfranchisements as last aforesaid, from Time to Time provide a Book or Books in which shall be entered a Memorial of every Deed of Enfranchisement of Land held of any Manor, and of every Award or Grant of any Rentcharge, and of every Deed of Conveyance which shall be executed upon the Purchase of Land with Moneys arising from the Enfranchisement of Lands within any such Manor (such last-mentioned Memorial being in every Case accompanied by a Plan of the Land purchased); and every such Memorial shall be under the Hand of One of the Parties to the Deed of Enfranchisement, or Conveyance, Award, or Grant; and no such Deed, Award, or Grant shall have Effect until there be written thereon a Certificate signed by the Keeper of Land Revenue Records and Enrolments, that a Memorial thereof hath been lodged at the Office of Land Revenue Records and Enrolments; and in the Absence of Evidence to the contrary of the Fact stated therein such Certificate shall be admissible in Evidence in any Court of Justice or before any Person now or hereafter having by Law or by Consent of Parties Authority to hear, receive, or examine Evidence, without Proof of the Signature thereto, or of the Fact that the Person signing or purporting to sign the same is the Keeper of Land Revenue Records and Enrolments for the Time being; and a Copy of the Enrolment of the Memorial, certified in the Manner provided by an Act passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter Sixty-two, Section Eight, shall be receivable as Evidence of the Deed or Facts referred to in such Memorial.

XLVIII. Every

The Commissioners of Woods to indemnify Trustee for the Crown.

XLVIII. Every Trustee so nominated by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, shall be absolutely indemnified by the said Commissioners for the Time being, out of the Rents and Profits of the Possessions and Land Revenues of the Crown, of and from all such Costs, Charges, Damages, and Expenses (if any) as he may in anywise whatsoever incur or be put to in consequence of having been so nominated, and which he may not be able to obtain Repayment of out of the Trust Moneys.

The Treasury to direct what Fees shall be taken for Enrolment of Memorials, &c.

XLIX. The Commissioners of Her Majesty's Treasury may direct what reasonable Fees shall be from Time to Time paid in respect of the Revision and Enrolment, as by this Act provided, of any such Deed of Enfranchisement or Conveyance of any Land to be so purchased, and such Fees shall be deemed to be Part of the Expenses of the Enfranchisement or Purchase, as the Case may be, and shall be paid or be recoverable accordingly.

Provision as to Manors held in Joint Tenancy with the Crown.

L. Any Manor vested in Her Majesty in right of Her Crown in possession, remainder, or reversion, in Joint Tenancy or Coparcenary with any Subject, may, so far as regards the Rights and Interests of such Subject and of the Tenant of such Manor, be dealt with under the Copyhold Acts, and the Provision of this Act in regard to Enfranchisements in Manors vested in Her Majesty in right of Her Crown in remainder or reversion expectant on an Estate of Inheritance shall apply to Manors so vested in Her Majesty in Joint Tenancy or Coparcenary with any Subject, so far as respects the Share or Interest in any such Manor to which Her Majesty may be so entitled.

"Ecclesiastical Corporation" not to extend to Christ Church, Oxford.

LI. In the Construction of this Act the Words "Ecclesiastical Corporation" shall not be taken to extend to or include the Cathedral or House of *Christ Church, Oxford.*

Act to be Part of the Copyhold Acts.

LII. This Act shall be taken and construed as Part of the Copyhold Acts, and may be cited either generally under the Term "the Copyhold Acts" or specifically as "The Copyhold Act, 1858."

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