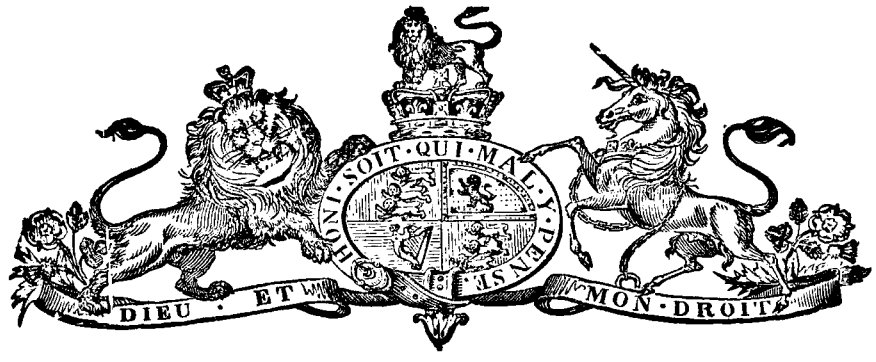


ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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CAP. XXXVII.

An Act to remove Doubts concerning, and to amend the Law relating to, the private Estates of Her Majesty, Her Heirs and Successors.

[17th *July* 1862.]

WHEREAS by the Fifth Section of the Act passed in the First Year of the Reign of Her Majesty Queen *Anne*, Chapter Seven, and intituled *An Act for the better Support of Her Majesty's Household, and of the Honour and Dignity of the Crown*, it was enacted, that every Grant, Lease, or other Assurance which from and after the Twenty-fifth Day of *March* One thousand seven hundred and two should be made or granted by Her said Majesty, Her Heirs or Successors, Kings or Queens of this Realm, under the Great Seal of *England*, Exchequer Seal, Seals of the Duchy and County Palatine of *Lancaster* or any of them, or by Copy of Court Roll, or otherwise howsoever, of any Manors, Messuages, Lands, Tenements, Rents, Tithes, Woods, or other Hereditaments, (Advowsons of Churches and Vicarages only excepted,) within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick-upon-Tweed*, or any of them, or any Part thereof, then belonging or thereafter to belong to Her Majesty, Her Heirs or Successors, or to any other Person or Persons in trust for Her Majesty, Her Heirs or Successors, in possession, reversion, remainder, use, or expectancy, whether the same were or should be in right of

1 Anne, c. 7. s. 5.

the Crown of *England* or as Part of the Principality of *Wales* or of the Duchy or County Palatine of *Lancaster*, or otherwise howsoever, to any Person or Persons, Body Politic or Corporate whatsoever, whereby any Estate or Interest whatsoever in Law or in Equity should or might pass from Her Majesty, Her Heirs or Successors, should be utterly void and of none Effect, unless such Grant, Lease, or Assurance should be made for some Term or Estate not exceeding Thirty-one Years or Three Lives, or for some Term of Years determinable on One, Two, or Three Lives, and unless such Grant, Lease, or Assurance respectively should be made to commence from the Date of making thereof, and if such Grant, Lease, or Assurance should be made to take effect in reversion or expectancy, that then the same, together with the Estate or Estates in possession of and in the Premises therein contained, should not exceed Three Lives or the Term of Thirty-one Years in the whole; and it was by Section Seven of the same Act enacted, that all Gifts, Grants, Alienations, Leases, and Assurances whatsoever to be had or made of any the said Manors, Messuages, Lands, Tenements, Rents, Tithes, or other Hereditaments, or of any of the Revenues therein mentioned, or Branches, or any Part thereof, contrary to the Provisions of the now reciting Act, or any of them, should be null and void without any Inquisition, Scire facias, or other Proceeding to determine or make void the same: And whereas by the Act passed in the First Year of the Reign of His Majesty King *George* the Third, Chapter One, and intituled *An Act for the Support of His Majesty's Household, and the Honour and Dignity of the Crown of* Great Britain, it was enacted, that the Revenue arising to His Majesty by Rents of Lands or for Fines of Leases of the same, or any of them, (except the Revenue of the Duchy of *Cornwall*,) should, from and immediately after the Demise of His then late Majesty King *George* the Second, be during His Majesty's Life carried to and made Part of the General Aggregate Fund established by the Act of the First Year of the Reign of His late Majesty King *George* the First, and be during the said Term issued and applied, in the Manner therein-after mentioned, to the Uses to which the said Fund was or should be made applicable: And whereas by the Act passed in the Thirty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter Seventy-five, and intituled *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of Fee-farm and other unimproveable Rents*, further Provisions were made touching Grants, Leases, and other Assurances which should be made or granted by His Majesty, His Heirs or Successors, under the Great Seal, or Seal of the Exchequer, or either of them, of any Manors, Messuages, Lands, Tenements, or Hereditaments, within the Kingdom of *England* and Dominion of *Wales*, or any of them, or any Part thereof then belonging or thereafter to belong to His Majesty, His Heirs or Successors, and being within the ordering and Survey of the Exchequer in *England*:

1 Anne c. 7. s. 7.

1 G. 3. c. 1.

34 G. 3. c. 75.

And

And whereas by the Act passed in the Session of Parliament held in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, Chapter Eighty-eight, intituled *An Act concerning the Disposition of certain Real and Personal Property of His Majesty, His Heirs and Successors, and also of the Real and Personal Property of Her Majesty and of the Queen Consort for the Time being*, it was enacted, that none of the Provisions or Restrictions contained in the said Acts of the First Year of Her said Majesty Queen *Anne* and the First and Thirty-fourth Years of the Reign of His then Majesty, should extend to any Manors, Messuages, Lands, Tenements, or Hereditaments, of whatsoever Tenure the same might be, which had at any Time theretofore been purchased by His Majesty, or should at any Time thereafter be purchased by His Majesty, His Heirs or Successors, out of any Monies issued and applied for the Use of His or Their Privy Purse, or with any other Monies not appropriated to any Public Service, or to any Manors, Messuages, Lands, Tenements, or other Hereditaments, of whatsoever Tenure the same might be, which had come to His Majesty, or should or might come to Him or His Heirs or Successors, by the Gift or Devise of, or by Descent or otherwise from any of His, Her, or Their Ancestors, or any other Person or Persons not being Kings or Queens of this Realm; and it was thereby declared, that the Intent of that Enactment was that the same should operate to all Intents and Purposes as from the Birth of His then Majesty; and by the same Act certain Powers of Disposition were given to His Majesty, His Heirs or Successors, over such Manors, Messuages, Lands, Tenements, and Hereditaments as are therein mentioned as aforesaid, and other Provisions were thereby enacted concerning the same: And whereas by the Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, Chapter Eighteen, intituled *An Act concerning the Disposition of certain Property of His Majesty, His Heirs and Successors*, it was enacted that all the Powers given to and vested in His Majesty, His Heirs and Successors, by the said Act of the Thirty-ninth and Fortieth *George* the Third, Chapter Eighty-eight, over the Manors, Messuages, Lands, Tenements, and Hereditaments purchased or to be purchased by Him or Them, or coming to Him or Them in manner in the same Act mentioned, and all other the Provisions of the same Act touching and concerning the same, should be and the same Powers and Provisions were by the now reciting Act extended to, and should be deemed, construed, and taken to extend and apply to all Manors, Messuages, Lands, Tenements, and Hereditaments, whether of Freehold or Copyhold or Customary or Leasehold Tenure, whereof His Majesty, or any Person or Persons in trust for Him, at the Time of His Accession to the Crown of this Realm, or whereof His Heirs or Successors, or any Person or Persons in trust for Them, at the Time of Their respective Accessions to the Crown of this Realm, was, were, or should

39 & 40 G. 3. c. 88.

4 G. 4. c. 18.

should be seised and possessed, and which before such Accession He or They respectively might have legally granted, sold, given, or delivered: And whereas by the Fourth Section of the Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Ninety-five, intituled *An Act to provide for the Payment of certain Pensions*, after reciting the Seventh Section of the said Act of the First Year of Her Majesty Queen *Anne*, Chapter Seven, and that it was expedient to extend the said Provision to *Ireland* and *Scotland*, it was enacted, that the said Provision should be deemed and taken to extend to all Parts of the United Kingdom: And whereas it is doubtful whether the Provisions and Restrictions contained in the said Act of the First Year of Her Majesty Queen *Anne* may not be held to have been by the said Act of the First and Second Years of Her present Majesty Queen *Victoria*, Chapter Ninety-five, extended to the private Estates of Her Majesty, Her Heirs or Successors: And whereas it is expedient that such Doubts should be removed, and that such Provisions should be made concerning the private Estates of Her Majesty, Her Heirs or Successors, as are herein-after contained: 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:

1 & 2 Vict. c. 95. s. 4.

Interpretation of Terms.

1. That in the Construction of this Act the Expression "private "Estates of Her Majesty, Her Heirs or Successors," shall mean (unless controlled or confined to a more limited Sense by express Words or the Context) any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, whether situate or arising in *England*, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions, which have at any Time heretofore been purchased or acquired by Her Majesty, or shall at any Time hereafter be purchased or acquired by Her Majesty, Her Heirs or Successors, out of any Monies issued and applied for the Use of Her or Their Privy Purse, or with any other Monies not appropriated to any Public Service, and any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, whether situate or arising in *England*, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions which have come to Her Majesty, or shall or may come to Her Majesty, or Her Heirs or Successors, by the Gift or Devise or Disposition of, or by Descent, Inheritance, or Succession, or otherwise, from any of Her or Their Ancestors, or any other Person or Persons not being Kings or Queens of this Realm, and any Manors, Messuages, Lands, Tenements, Leases, and Hereditaments, and other Real or Heritable Property and Estate, of whatsoever Tenure the same may be, and whether situate or arising in *England*,

England, *Scotland*, or *Ireland*, or in any other Part of Her Majesty's Dominions, which did or shall belong to Her Majesty, or Her Heirs or Successors, or to any Person or Persons in trust for Her or Them, at the Time of Her or their respective Accessions to the Crown of this Realm, and which before such Accession She or They respectively might have legally granted, sold, given, devised, disponed, or conveyed.

Restrictions of 1 Anne c. 7, and 1 G. 3. c. 1. and 34 G. 3. c. 75. not to extend to the private Estates of the Sovereign.

2. None of the Provisions or Restrictions contained in the said Acts of the First Year of Her Majesty Queen *Anne* and the First and Thirty-fourth Years of His Majesty King *George* the Third, or in any other Act or Acts of Parliament relating to any Manors, Messuages, Lands, Tenements, Leases, or Hereditaments, or other Real or Heritable Property or Estate vested in or belonging to Her Majesty, Her Heirs or Successors, in right of the Crown of this Realm, do or shall extend to the private Estates of Her Majesty, Her Heirs or Successors.

Leasehold Estates (other than in Scotland) to be vested in Trustees.

3. Such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions, except *Scotland*, as are or shall be of Leasehold Tenure, shall be vested in some Trustee or Trustees for Her Majesty, Her Heirs and Successors respectively, from Time to Time to be respectively named or appointed by Instrument in Writing under the Sign Manual of Her Majesty, Her Heirs and Successors respectively, in the same Manner as if the Second Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, had extended to all such Estates.

Private Estates of the Sovereign in Scotland held under a Superior or in Lease to be vested in Trustees

4. Such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, as are or shall be held feudally directly under the Crown as Superior, may lawfully be held by Her Majesty, Her Heirs or Successors, of and under Herself or Themselves as Sovereign or Sovereigns of this Realm and Feudal Superiors, and the Dominium utile thereof shall not become *ipso facto* consolidated with the Dominium directum; and such private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, as are or shall be held feudally under a Subject Superior, or as are or shall be held in Lease, shall be vested in some Trustee or Trustees for Her Majesty, Her Heirs and Successors respectively, from Time to Time to be respectively named or appointed by Instrument in Writing under the Sign Manual of Her Majesty, Her Heirs or Successors respectively, in the same Manner as if the Second Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, had extended to all such Estates.

As to testamentary Disposition of the private Estates of the Sovereign

5. The private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions (except *Scotland*), may be disposed of by Her Majesty, Her Heirs or Successors, in manner provided by the Fourth Section of the said Act of

other than in Scotland.

of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight: Provided always, that a Will or other Testamentary Disposition by Her Majesty, Her Heirs or Successors, of or concerning any such private Estates as aforesaid, shall not require Publication; and every such Will or Testamentary Disposition shall be valid and effectual, if signed by the Testator or Testatrix, or by some other Person in His or Her Presence, and by His or Her Direction, in the Presence of Two Witnesses: Provided also, that every Will or other Testamentary Disposition by Her Majesty, Her Heirs or Successors, of any such private Estates as aforesaid, made under the Authority of this Act and of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, or either of them, and whether made before or after the passing of this Act, shall be construed with reference to the Property comprised in such Will or Testamentary Disposition, to speak and take effect as if it had been executed immediately before the Death of the Testator or Testatrix, unless a contrary Intention shall appear by the Will or other Testamentary Disposition.

As to Disposition of the private Estates of the Sovereign in Scotland.

6. The private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, may be disposed of by Her Majesty, Her Heirs or Successors, by Dispositions or Conveyance, either special or general, granted either Mortis causâ or Inter vivos; and all Dispositions, Conveyances, Deeds of Appointment, Commissions, Powers of Attorney, Wills, Deeds of Settlement, and other Deeds or Instruments to be made or granted by Her Majesty, Her Heirs or Successors, of or relating to the Private Estates of Her Majesty, Her Heirs or Successors, situate or arising in *Scotland*, shall be valid and effectual, although not executed according to the Forms of the Law of *Scotland*, if the same shall be under the Sign Manual attested by Two or more Witnesses; and every such Disposition or Conveyance, if granted Mortis causâ shall be valid and effectual, whether the same shall be under the Sign Manual as aforesaid, or shall be signed by some other Person in the Presence of the Granter, and by His or Her Direction in the Presence of Two or more Witnesses, who shall attest the same, although the same shall not be executed according to the Forms of the Law of *Scotland*.

As to Descent of the private Estates of the Sovereign.

7. On the Demise of Her Majesty, Her Heirs or Successors, the private Estates of Her Majesty, Her Heirs or Successors, shall, subject and without Prejudice to any Disposition which shall have been made thereof under the Authority of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight, or of this Act, descend or go in manner prescribed by, and (according to the Nature thereof) be subject to, the Provisions and Restrictions respectively referred to in the Fifth Section of the said Act of the Thirty-ninth and Fortieth Years of His Majesty King *George* the Third, Chapter Eighty-eight.

8. The

Private Estates of the Sovereign to be subject to Taxes.

8. The private Estates of Her Majesty, Her Heirs or Successors, shall be subject to all such Taxes, Rates, Duties, Assessments, and other Impositions, Parliamentary and Parochial, as the same would have been subject to if the same had been the Property of any Subject of this Realm; and all such Rates, Taxes, Assessments, and Impositions shall, so long as such private Estates shall be vested in Her Majesty, Her Heirs or Successors, or in any Person or Persons in trust for Her Majesty, Her Heirs or Successors as aforesaid, be ascertained, rated, assessed or imposed thereon in the same Manner and Form in all respects as if the same Estates were the absolute and beneficial Estate of any of Her Majesty's Subjects; but nevertheless such Rates, Taxes, Assessments, and Impositions shall be paid and payable in manner herein-after directed, and not otherwise.

Taxes to be paid out of the Privy Purse.

9. So long as the private Estates of Her Majesty, Her Heirs or Successors, shall remain vested in Her Majesty, Her Heirs or Successors, or in any Trustee or Trustees for Her Majesty, Her Heirs or Successors as aforesaid, freed and discharged from the Provisions and Restrictions aforesaid, all Taxes, Rates, Duties, Assessments, Impositions, Rents, and other annual Payments, Fines, and other Outgoings, which shall from Time to Time be charged and chargeable upon or be or become due and payable in respect of all or any of such private Estates, shall be paid and discharged out of the Privy Purse of Her Majesty, Her Heirs or Successors, and Accounts thereof shall from Time to Time be returned to the Person or Persons for the Time being executing the Office of Privy Purse of Her Majesty, Her Heirs or Successors, or to his or their Deputy, who shall by and out of any Monies in his or their Hands applicable for the Use of Her Majesty, Her Heirs or Successors, pay and discharge the same.

Extension of Trustee Act, 1850, to the private Estates of the Sovereign (except in Scotland), and to the Personal Estate of the Sovereign.

10. The Trustee Act, 1850, shall extend to a Trustee or Trustees of the private Estates of Her Majesty, Her Heirs or Successors, situate or arising in any Part of Her Majesty's Dominions, except *Scotland*, and to any Trustee or Trustees of any Personal Estate of Her Majesty, Her Heirs or Successors, and any Petition or other Proceeding for obtaining the Benefit of that Act for or on behalf of Her Majesty, Her Heirs or Successors, shall be by and in the Name or Names of any Person or Persons authorized in that Behalf by Her Majesty, Her Heirs or Successors, by any Instrument in Writing under the Sign Manual.

Provision as to legal Proceedings and Trust Estates in Scotland.

11. All Suits and Actions, either Real or Personal, respecting the private Estates of Her Majesty, Her Heirs and Successors, in *Scotland*, and which may not be vested in a Trustee or Trustees, may be sued, in *Scotland*, on behalf of Her Majesty, Her Heirs and Successors, by and in the Name or Names of any Person or Persons to be from Time to Time for that Purpose appointed by Her Majesty, Her Heirs or Successors, by any Writing under the Sign Manual, every such Appointment to continue only during the Pleasure of Her Majesty,

Majesty, Her Heirs and Successors; and all Suits and Actions in *Scotland* respecting such private Estates at the Instance of other Parties may be sued and carried on by Summons or Process directed against such Person or Persons; and Her Majesty, Her Heirs or Successors, shall at all Times be entitled to require any Trustee or Trustees who may be vested in or possessed of any of the private Estates of Her Majesty, Her Heirs and Successors, in *Scotland*, to convey and dispone the same to Her Majesty, Her Heirs or Successors, or to any new Trustee or Trustees to be named or appointed by Her Majesty, Her Heirs or Successors, by Writing under the Sign Manual; and in the event of the Failure, Delay, or Inability of any such Trustee or Trustees so to convey or dispone the same, or in the event of the said Trustee or Trustees having died, it shall be competent for any Person or Persons authorized in that Behalf by Her Majesty, Her Heirs or Successors, by Writing under the Sign Manual, to apply by Petition to the Court of Session to declare that the Trust Conveyance subsists for the Benefit of Her Majesty, Her Heirs and Successors, and that Her Majesty, Her Heirs and Successors, are entitled to have the same transferred, and further to adjudge such private Estates in *Scotland* which shall be specified and described in the Petition from such Trustee or Trustees, or his or their Heirs or Heir, and to decern and declare the same to belong to Her Majesty, Her Heirs or Successors, or to such new Trustee or Trustees as may be so named and appointed, as the Case may be; and the Court of Session shall pronounce Decreet in Terms of the Prayer of such Petition, and such Decreet shall be held to be and shall have the Effect of a valid Conveyance and Disposition in due and usual Form of such private Estates as shall be specified and described in the Decreet in favour of Her Majesty, Her Heirs and Successors, or of such Trustee or Trustees, as the Case may be, and it shall be competent to register such Decreet in the General or Particular Register of Sasines in Terms of and to the Effect authorized by the "Titles to Lands (*Scotland*) Act, 1858," and the "Titles to Lands (*Scotland*) Act, 1860."

Saving of the Rights and Remedies of the Sovereign.

12. Provided that nothing in this Act contained shall take away or interfere with any Right or Remedy by any Law or Statute competent to Her Majesty, Her Heirs or Successors, in regard to the private Estates of Her Majesty, Her Heirs or Successors, or in regard to any Trusts of such Estates, or against any Trustee or Trustees, his or their Heirs, Executors, Administrators, and Assigns.

Short Title.

13. This Act may be cited for all Purposes as "The Crown Private Estates Act, 1862."

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