

Copyhold Act, 1894.  
[57 & 58 VICT. CH. 46.]



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A.D. 1894.

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## CHAPTER 46.

An Act to consolidate the Copyhold Acts.

A.D. 1894.

[25th August 1894.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### PART I.

#### COMPULSORY ENFRANCHISEMENT.

##### *Right to enfranchise.*

**1.** Where there is an admitted tenant of copyhold land the lord or the tenant may, subject to the provisions of this Act, require and compel enfranchisement of the land.

Power to enfranchise copyholds.

Provided that this section shall not apply where the tenant is admitted in respect of a mortgage and the mortgagee is not in possession.

**2.** A lord or tenant of any land liable to any heriot, quitrent, free rent, or other manorial incident whatsoever, may require and compel the extinguishment of such rights or incidents affecting the land, and the release and enfranchisement of the land subject thereto, in like manner as nearly as possible as is provided by this Act with respect to the right to compel the enfranchisement of copyhold land and to the proceedings thereupon, and the provisions of this Act shall apply accordingly.

Power to extinguish manorial incidents.

**3.** A tenant shall not be entitled to require an enfranchisement of any land under this Act until after payment or tender—

Fines, &c. to be paid before enfranchisement.

(a) in case the land is copyhold and an admittance thereto has not been made since the thirtieth day of June one thousand eight hundred and fifty-three, of such fine and of the value of such heriot (if any) as would become payable in the event of admittance on alienation subsequent to that day, and of two thirds of such sum as the steward would have been entitled to in respect of the admittance; and

(b) in case the land is freehold (including customary freehold) and subject to heriots and no heriot has become due or payable since the thirtieth day of June one thousand eight hundred

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and fifty-three, of the value of such heriot, if any, as would become payable in the event of an admittance or enrolment on alienation, subsequent to that day, and of two thirds of such sum as the steward would have been entitled to for fees in respect of the alienation or admittance or enrolment; and

(c) in every other case, of all fines and fees consequent on the last admittance to the land.

Notice of  
desire to  
enfranchise.

4. A lord or tenant who requires enfranchisement under this Act must give notice in writing, the lord to the tenant or the tenant to the lord, as the case may be, of his desire to have the land enfranchised.

*Compensation for Enfranchisement.*

Proceedings  
for ascer-  
taining com-  
pensation.

5.—(1.) When a notice requiring an enfranchisement has been given under this Act, the compensation for the enfranchisement shall be ascertained in accordance with the provisions of this section.

(2.) The lord and the tenant may—

(a) determine the amount of the compensation by agreement in writing; or

(b) agree in writing that the Board of Agriculture shall determine the amount; or

(c) appoint a valuer or valuers to determine the amount.

Provided that—

(i.) If the compensation is not otherwise determined, it shall be ascertained under the direction of the Board, on a valuation made by a valuer or valuers appointed by the lord and tenant; but

(ii.) If the manorial rights to be compensated consist only of heriots, rents, and licences at fixed rates to demise or to fell timber, or of any of these, or the land to be enfranchised is not rated for the relief of the poor at a greater amount than the net annual value of thirty pounds, the valuation shall be made by a valuer to be appointed by the justices at petty sessions holden for the division or place in which the manor or the greater part of it is situate, unless either party to the enfranchisement gives notice that he desires the valuation to be made by a valuer or valuers appointed by the lord and tenant, in which case he shall pay the additional expenses caused by that mode of valuation.

(3.) When a valuer is appointed by justices, a justice who is a lord of the manor shall not take any part in the appointment.

(4.) When the valuation is to be by a valuer or valuers appointed by the lord and tenant—

(a.) The lord and the tenant may each appoint one valuer:

(b.) They may appoint one and the same person:

(c.) If either the lord or the tenant does not appoint a valuer within twenty-eight days after notice has been given to him by the other party to do so, or within such further time, if any, as the Board of Agriculture by order allow, the Board shall appoint a valuer for him:



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- (d.) The appointment of a valuer by either party cannot be revoked, except with the consent of the other party :
- (e.) Where there are two valuers they shall, before proceeding with the valuation, appoint an umpire :
- (f.) If they do not within fourteen days after their appointment appoint an umpire, the Board of Agriculture shall appoint an umpire for them.
- (5.) The Board of Agriculture may, on the application of either the lord or the tenant, remove a valuer or umpire for misconduct or for refusal or omission to act.
- (6.) If a valuer or umpire dies, or becomes incapable, or refuses to act, or is removed, another valuer or umpire, as the case may be, shall, within a time to be fixed by the Board of Agriculture, be appointed in his place by the person and in the manner provided by this section with regard to the valuer or umpire in whose place he is appointed, and in default by the Board. A valuer or umpire appointed under this provision may adopt and act upon any valuation or proceeding agreed on or completed by the valuer or valuers or umpire previously acting.
- (7.) Before a valuer or umpire enters on his valuation he shall, in the presence of a justice of the peace, make and subscribe a declaration in the form mentioned in that behalf in the First Schedule to this Act.
- (8.) The declaration made by a valuer or umpire must be annexed to the valuation.
- (9.) If a valuer or umpire having made a declaration under this section wilfully acts contrary thereto he shall be guilty of a misdemeanor.

**6.—(1.)** In making a valuation for the purpose of ascertaining the compensation for a compulsory enfranchisement under this Act, the valuer shall take into account and make due allowance for the facilities for improvements, customs of the manor, fines, heriots, reliefs, quitrents, chief rents, forfeitures, and all other incidents whatsoever of copyhold or customary tenure, and all other circumstances affecting or relating to the land included in the enfranchisement, and all advantages to arise therefrom.

Circumstances  
to be con-  
sidered by  
valuers.

Provided that they shall not take into account or allow for the value of escheats.

(2.) The value of the matters to be taken into account in the valuation shall be calculated as at the date of the notice to enfranchise.

**7.—(1.)** Valuers appointed for the purpose of ascertaining the compensation for a compulsory enfranchisement shall determine the value of the matters to be taken into account in the valuation at a gross sum of money.

Duties of  
valuers.

(2.) If the valuers do not agree as to the compensation or any point arising in the valuation, the valuers or either of them may refer the whole matter or the point in dispute to the umpire.

(3.) The valuers shall give their decision within forty-two days after their appointment or within such further time, if any, as the Board of Agriculture by order allow.

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(4.) If the valuers do not give their decision within the time allowed by or in pursuance of this Act, and do not refer the matter to the umpire, the Board of Agriculture may direct the umpire to act as valuer.

(5.) The umpire shall give his decision on any matter referred to him within forty-two days after the matter is referred to him.

(6.) The valuers or umpire shall make their decision in such form as the Board of Agriculture direct, and shall deliver the same with the details thereof to the Board, and shall also deliver copies of their decisions to the lord or to the tenant.

(7.) If, in the opinion of the Board, the valuation is imperfect or erroneous, they may remit it to the valuers or umpire, as the case may be, for reconsideration or correction.

(8.) If either—

(a) the valuers do not give their decision within the time allowed to them by or in pursuance of this Act, and the valuation is not referred to the umpire, either by the valuers or either of them or by the direction of the Board; or

(b) the umpire does not give his decision within the time allowed to him by or in pursuance of this Act; or

(c) the valuers or the umpire do not, when a decision is remitted to them by the Board for re-consideration or correction, amend it to the satisfaction of the Board,

the compensation shall be determined by the Board after due notice to the lord and tenant.

(9.) Where the compensation is determined by the Board they shall take such proceedings and make such inquiries as they think necessary for the purpose, and shall take into consideration all matters which valuers are bound to take into consideration on a valuation under this Act, and shall communicate the result in writing to the lord and to the tenant, and shall fix a time within which any objection to their determination may be signified to them in writing by the lord or tenant, and shall consider every objection properly made and if necessary alter their determination accordingly.

Compensation to be a rent-charge in certain cases.

8.—(1.) In either of the following cases, namely,—

(a) where the enfranchisement is at the instance of the lord; or

(b) where the land can, in the opinion of the Board of Agriculture, be sufficiently identified, and the compensation amounts to more than one year's improved value of the land,

unless the parties otherwise agree, or the tenant within ten days after the receipt by him of the draft of the proposed award of enfranchisement gives to the Board notice in writing that he desires to pay the compensation in a gross sum, the compensation shall be an annual rentcharge, commencing from the date of the notice to enfranchise and issuing out of the land enfranchised, equivalent to interest at the rate of four per cent. per annum on the amount of the compensation.

(2.) Except where it is provided by this section that the compensation shall be charged by way of rentcharge, the compensation shall be paid in a gross sum before the completion of the enfranchisement.

9. On a compulsory enfranchisement the tenant shall pay to the steward the compensation mentioned in the Second Schedule to this Act.

A.D. 1894.  
—  
Steward's  
compensation.

*Award of Enfranchisement.*

10.—(1.) When the compensation for a compulsory enfranchisement has been ascertained under the provisions of this Act, the Board of Agriculture, having made such inquiries as they think proper, and having considered any applications made to them by the parties, may make in such form as they provide an award of enfranchisement on the basis of the compensation, and may confirm the award.

Board to  
make award  
of enfran-  
chisement.

(2.) The award shall state whether the compensation is a gross sum or a rentcharge, and the amount thereof, and where it is a rentcharge shall make the land subject thereto and chargeable therewith.

(3.) The Board shall fourteen days before confirming the award send to the tenant and to the steward, unless the proposed award has been already perused by them respectively, a copy of the proposed award.

(4.) Where the compensation is a gross sum the award shall not be confirmed until the receipt of the person entitled to receive the compensation has been produced to the Board.

(5.) The Board shall send a copy of the confirmed award sealed or stamped with the seal of the Board to the lord, and the lord shall cause the copy to be entered in the court rolls of the manor.

(6.) The date at which a compulsory enfranchisement shall take effect may be fixed by the confirmation of the award of enfranchisement, and if not so fixed, shall be the date of the confirmation of the award.

*Restrictions on Enfranchisement.*

11.—(1.) Where a notice requiring the enfranchisement of any land under this Act is given by the tenant, and the lord shows to the satisfaction of the Board of Agriculture that any change in the condition of the land which but for the enfranchisement would or might be prevented by the incidents or conditions of the tenure of the land, will prejudicially affect the enjoyment or value of the mansion house, park, gardens, or pleasure grounds of the lord, the lord may give to the tenant notice in writing that he offers to purchase the tenant's interest in the land.

Power for  
lord in  
certain cases  
to purchase  
tenant's  
interest.

(2.) If the tenant accepts the offer he shall do so by sending to the Board, within twenty-eight days after he has received notice of the offer, notice in writing of his acceptance, and thereupon the offer and the acceptance shall be binding on the lord and the tenant.

(3.) If the tenant does not accept the offer the enfranchisement shall not take place unless the Board think fit to impose such terms and conditions as are in their opinion sufficient to protect the interests of the lord.

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(4.) Where a purchase is being made under this section, if the consideration for the purchase is not within a time allowed by the Board settled by agreement between the lord and the tenant, the Board may appoint a valuer to ascertain the value of the tenant's interest, or may refer it to the valuers, if any, acting in the enfranchisement.

(5.) When the value of the tenant's interest has been agreed on or ascertained, the Board shall issue, under their seal, a certificate which shall define the land included in the purchase, and shall state the consideration for the purchase, and fix a time for the payment of the consideration.

(6.) On the payment of the consideration the tenant shall execute a conveyance of his interest in the land to the lord in such form as the Board direct, and on the execution of the conveyance the land shall vest in the lord accordingly.

(7.) If the consideration is not paid within the time fixed by the certificate or such further time as the Board allow, and the Board are of opinion that the nonpayment arises from the default of the lord, they may cancel the certificate, and thereupon the enfranchisement shall be proceeded with (but subject to the provisions of this section as to expenses) as if this section had not been passed.

(8.) Where a purchase is made under this section all the costs of the valuation and all the expenses attending the purchase, including the expenses of the conveyance, shall be paid by the lord.

(9.) Where a purchase is, by the default of the lord, not completed, all expenses which the Board certify to have been incurred by the tenant in consequence of the offer, acceptance, and default shall be paid by the lord to the tenant.

Power for Board to suspend enfranchisement in certain cases.

**12.—**(1.) The Board of Agriculture may suspend any proceedings for a compulsory enfranchisement under this Act where any peculiar circumstances make it impossible, in their opinion, to decide on the prospective value of the land proposed to be enfranchised, or where any special hardship or injustice would unavoidably result from compulsory enfranchisement.

(2.) Where the Board suspend a proposed enfranchisement under this section they shall state their reasons for doing so in their annual report which is by this Act directed to be laid before Parliament.

Power for Board to continue conditions to user.

**13.** On a compulsory enfranchisement under this Act, in any case where the tenant was admitted subject to any condition affecting the user of the land and imposed for the benefit of the public or of the other tenants of the manor, and in the opinion of the Board of Agriculture some special hardship or injustice would result if the land were released from the condition, the Board may continue and give effect to the condition by the award of enfranchisement.

## PART II.

A.D. 1894.

## VOLUNTARY ENFRANCHISEMENT.

**14.**—(1.) The lord of any manor may with the consent of the Board of Agriculture enfranchise any land held of the manor, and any tenant may with the consent of the Board accept an enfranchisement of his land. Power to effect voluntary enfranchisement.

(2.) The enfranchisement may be on such terms as subject to the provisions of this Act are settled by agreement between the lord and the tenant.

(3.) If the estate of the lord or of the tenant parties to the enfranchisement is less than an estate in fee simple in possession or corresponding copyhold or customary estate, and the tenant has not paid the whole of the cost of enfranchisement, the lord or tenant respectively shall give notice in writing of the proposed enfranchisement to the person entitled to the next estate of inheritance in remainder or reversion in the manor or land to be affected by the enfranchisement.

**15.**—(1.) The consideration for a voluntary enfranchisement under this Act may be either— Consideration for voluntary enfranchisement.

(a) a gross sum payable at once or at any time fixed by the agreement; or

(b) a rentcharge charged on and issuing out of the land enfranchised; or

(c) a conveyance of land or of a right to mines or minerals; or

(d) a conveyance of a right to waste in lands belonging to the manor,

or may be provided partly in one and partly in another or others of those ways.

(2.) Land or a right to mines or minerals subject to the same or corresponding uses and trusts with the land enfranchised may be conveyed as consideration under this section.

(3.) Where the estate of the lord is less than an estate in fee simple in possession, and land not parcel of the manor, or a right to mines or minerals not in or under the land enfranchised, is conveyed as consideration under this section, the land or right must be convenient in the opinion of the Board of Agriculture to be held with the manor, and must be settled to uses or on trusts identical with or corresponding to those to or on which the manor is held.

**16.**—(1.) A voluntary enfranchisement under this Act may be effected with the consent of the Board of Agriculture by such a deed as would be proper on an enfranchisement by a lord seised of the manor for an absolute estate in fee simple in possession. Voluntary enfranchisement to be by deed.

(2.) Where any person is entitled to notice of the proposed enfranchisement, the assent or dissent or acquiescence of that person in respect of the enfranchisement may be stated in writing to the Board of Agriculture when the enfranchisement deed is sent to them for confirmation. If any dissent in writing has been expressed, the Board shall withhold their consent to the deed

A.D. 1894. until they have made further inquiries, and are satisfied that the agreement is not fairly open to objection.

(3.) The Board may in every case cause any such further notices to be given and inquiries to be made as they think proper, before consenting to the enfranchisement deed.

Provisions for  
rentcharges  
under Act.

**17.** Where any part of the consideration for a voluntary enfranchisement under this Act is a rentcharge,—

(1.) The rentcharge may be—

(a) a fixed annual sum, or

(b) where it exceeds the sum of twenty shillings, an annual sum varying with the price of corn and calculated upon the same averages and variable in like manner as a tithe commutation rentcharge; and

(2.) The rentcharge may be made subject to an increase or diminution to be stated in the enfranchisement agreement, or afterwards fixed by valuers in any event which is provided for by the agreement; and

(3.) The tenant may grant the rentcharge by deed to the lord and his heirs to the uses on the trusts and subject to the powers and provisions subsisting at the date of the enfranchisement with respect to the manor of which the land enfranchised is held; and

(4.) The rentcharge may be charged on all or any part of the land enfranchised.

Provisions  
where land  
is conveyed  
as considera-  
tion under  
this Part.

**18.** Where any part of the consideration for an enfranchisement under this Act is the conveyance of land or of a right to mines or minerals, or of a right to waste, the tenant may convey the land or right to the lord and his heirs to the uses on the trusts and subject to the powers and provisions subsisting at the date of the enfranchisement in respect of the manor of which the land enfranchised is held.

Enfranchise-  
ment con-  
sideration to  
be a charge  
on land till  
paid.

**19.**—(1.) Where a voluntary enfranchisement is effected under this Act, the land enfranchised shall be charged with every sum payable to the lord in respect of the enfranchisement, with interest thereon from the day fixed by the enfranchisement deed for payment thereof until payment thereof.

(2.) The lord shall be deemed to be seised of the land subject to a charge under this section as mortgagee in fee, and may distrain on the land for any interest due in respect of the charge as if it were rent in arrear.

(3.) A charge under this section shall be a first charge on the land subject thereto, and shall have priority over all incumbrances whatsoever affecting the land (except tithe rentcharge and any charge having priority by statute), notwithstanding that those incumbrances are prior in date.

Commence-  
ment of enfran-  
chisement.

**20.** The date at which a voluntary enfranchisement under this Act shall take effect, and the commencement of a rentcharge in consideration of a voluntary enfranchisement under this Act, may be fixed by the memorandum of confirmation of the enfranchisement deed, and if not so fixed shall be the date of the confirmation of the deed by the Board of Agriculture.

## PART III.

A.D. 1894.

## EFFECT OF ENFRANCHISEMENT.

21.—(1.) When an enfranchisement is made under this Act the following provisions shall, from and after the time when the enfranchisement takes effect, apply with respect to the land enfranchised:—

On enfranchisement land to become freehold.

- (a.) The land shall be of freehold tenure;
- (b.) The lord shall be entitled, in case of an escheat for want of heirs, to the same right as he would have had if the land had not been enfranchised;
- (c.) The land shall not be subject to the custom of borough English, or of gavelkind, or to any other customary mode of descent, or to any custom relating to dower or freebench or tenancy by the curtesy, or to any other custom whatsoever but shall be subject to the same laws relating to descents, and dower, and curtesy as are applicable to land held in free and common socage:

Provided as follows:—

- (i.) Nothing in this section shall affect the custom of gavelkind in the county of Kent;
- (ii.) Nothing in this section contained with respect to dower, freebench, or curtesy shall apply to any person married before the date at which the enfranchisement takes effect;
- (d.) The land shall be held under the same title as that under which it was held at the date at which the enfranchisement takes effect, and shall not be subject to any estate, right, charge, or interest affecting the manor;
- (e.) Every mortgage of the copyhold estate in the land shall become a mortgage of the freehold for a corresponding estate, but subject to any charge having priority thereof by virtue of this Act.

(2.) An enfranchisement shall not, except as in this Act mentioned, affect the rights or interests of any person in the land enfranchised under a will, settlement, mortgage, or otherwise, but those rights and interests shall continue to attach upon the land enfranchised in the same way as nearly as may be as if the freehold had been comprised in the instrument or disposition under which that person claims.

(3.) Where land is, at the date at which the enfranchisement thereof under this Act takes effect, subject to any subsisting lease or demise, the freehold into which the copyhold estate is converted shall be the reversion immediately expectant on the lease or demise, and the rents and services reserved and made payable on, and the conditions in, or in respect of, the lease or demise, shall be incident and annexed to the reversion, and the covenants or agreements, expressed or implied, on the part of the lessor and lessee respectively shall run with the land and with the reversion respectively, and the enfranchisement shall not affect any right of distress, entry, or action accruing in respect of the lease or demise.

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Exception  
for rights of  
common.

**22.** An enfranchisement under this Act shall not deprive a tenant of any commonable right to which he is entitled in respect of the land enfranchised, but where any such right exists in respect of any land at the date of the enfranchisement thereof it shall continue attached to the land notwithstanding the land has become freehold.

Exception for  
mines and  
other rights.

**23.**—(1.) An enfranchisement under this Act shall not without the express consent in writing of the lord or tenant respectively affect the estate or right of the lord or tenant in or to any mines, minerals, limestone, lime, clay, stone, gravel, pits, or quarries whether in or under the land enfranchised or not, or any right of entry, right of way and search, or other easement of the lord or tenant in, on, through, over, or under any land, or any powers which in respect of property in the soil might but for the enfranchisement have been exercised for the purpose of enabling the lord or tenant, their or his agents, workmen, or assigns, more effectually to search for, win, and work any mines, minerals, pits, or quarries, or to remove and carry away any minerals, limestone, lime, stones, clay, gravel, or other substances had or gotten therefrom, or the rights, franchises, royalties, or privileges of the lord in respect of any fairs, markets, rights of chase or warren, piscaries, or other rights of hunting, shooting, fishing, fowling, or otherwise taking game, fish, or fowl.

Provided that the owner of the land so enfranchised shall, notwithstanding any reservation of mines or minerals in this Act or in the instrument of enfranchisement, but without prejudice to the rights to any mines or minerals, or the right to work or carry away the same, have full power to disturb or remove the soil so far as is necessary or convenient for the purpose of making roads or drains or erecting buildings or obtaining water on the land.

(2.) A steward shall not, without special authority, have power to consent on behalf of a lord under this section.

Power for  
tenant to grant  
easements to  
lord.

**24.**—(1.) On an enfranchisement under this Act there may be reserved or granted, with the consent of the tenant, to the lord any right of way or other easement in the land enfranchised for more effectually winning and carrying away any mines or minerals under the land.

(2.) The easement must be reserved by the award or granted in the deed of enfranchisement.

## PART IV.

PROVISIONS AS TO CONSIDERATION MONEY, EXPENSES,  
RENTCHARGES.*Consideration Money.*Power to  
give receipts.

**25.** The receipt of any person for any money paid to him in pursuance of this Act shall be a sufficient discharge for the money, and the person paying it shall not be bound to see to the application or be liable for the misapplication or loss thereof.



**26.**—(1.) Money payable under this Act as the compensation or consideration for an enfranchisement may, subject to the other provisions of this Act, be paid to the lord for the time being. A.D. 1894.

Provided that where any money is payable in pursuance of this section to a lord having only a limited estate or interest in the manor, the Board of Agriculture—

—  
Payment of  
enfranchise-  
ment money.

(a) if the money exceeds the sum of twenty pounds for all the enfranchisements in the manor, shall direct it to be paid into Court or to trustees in manner provided by this Act; and

(b) if the money does not exceed the sum of twenty pounds for all the enfranchisements in the manor, may direct it either to be paid in manner aforesaid, or to be retained by the lord for his own use, as in their discretion they think fit.

(2.) If a lord refuses to accept any money payable to him under this section the money shall be paid into Court or to trustees in manner provided by this Act.

(3.) If any money in respect of the compensation or consideration for an enfranchisement is paid to a lord whose title afterwards proves to be bad or insufficient, the rightful owner of the manor or his representative may recover the amount from the person to whom it was paid, or his representative, with interest at the rate of five pounds per cent. per annum from the time of the title proving to be bad or insufficient.

(4.) If any principal money is paid for enfranchisement to a person who is not entitled to receive it under the provisions of this Act, the land enfranchised shall continue to be charged with the payment of the money in favour of the person entitled:

Provided that the person entitled to the land may recover the money as against the person who wrongfully received it.

(5.) If any dispute arises as to the proper application, appropriation, or investment under this Act of any money payable in respect of an enfranchisement, the Board of Agriculture may decide the question, and their decision shall be final.

#### *Rentcharges.*

**27.** The following provisions shall apply to every rentcharge created under the provisions of this Act:— Payment of  
rentcharges  
under Act.

(a.) The rentcharge shall be payable half-yearly on the first day of January and the first day of July in every year:

(b.) The first payment of a rentcharge shall be made on such one of those half-yearly days of payment as next follows the day fixed for the commencement of the rentcharge, or if no such day is fixed, the date of the award or deed of enfranchisement, and shall be of an amount proportional to the interval between the commencement of the rentcharge and the said day of payment:

(c.) The rentcharge shall be a first charge on the land charged therewith, and shall have priority over all incumbrances affecting the land except tithe rentcharge and any charge having priority by statute, notwithstanding those incumbrances are prior in date:

A.D. 1894. (d.) The rentcharge shall be deemed to be granted to the lord and his heirs, to the uses, on the trusts, and subject to the powers and provisions subsisting, at the date of the enfranchisement in consideration of which the rentcharge arises, in respect of the manor of which the land subject to the rentcharge was held, and shall be 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:

44 & 45 Vict. c. 41. (e.) The rentcharge whenever created shall be recoverable by the like remedies as are provided by section forty-four of the Conveyancing and Law of Property Act, 1881, in respect of rentcharges created after the commencement of that Act.

Provided that an occupying tenant, who properly pays on account of a rentcharge any money which as between him and his landlord that tenant is not liable to pay, shall be entitled to recover from the landlord the money paid, or to deduct it from the next rent payable by the tenant; and an intermediate landlord who pays or allows any sum under this provision may in like manner recover it from his superior landlord, or deduct it from his rent.

Apportionment of rentcharge.

**28.** The persons for the time being entitled to a rentcharge under this Act, and to the land subject to the rentcharge respectively, whether in possession or in remainder or reversion expectant on an estate for a term of years, may apportion the rentcharge between the several parts of the land charged therewith.

Provided as follows:—

(a.) Where the person entitled to the land is not absolutely entitled thereto, the apportionment shall not be made without the consent of the Board of Agriculture; and

(b.) A person entitled to an undivided share in a rentcharge or land shall not exercise the powers of this section unless the persons entitled to the other undivided shares concur in the apportionment.

Protection of lessees from liability to rentcharge.

**29.** A sub-lessee under a sub-lease shall not, as between him and his lessor, be liable in consequence of the creation or apportionment of a rentcharge under this Act to pay any greater sum of money than he would have been liable to pay if the charge or apportionment had not been made.

Redemption of rentcharge.

**30.—(1.)** A rentcharge created under this Act may be redeemed on any half-yearly day of payment by the person for the time being in actual possession or in receipt of the rents and profits of the land subject to the rentcharge, on payment to the person for the time being entitled to receive the rentcharge of the consideration provided by this section.

Provided that where the person entitled to the rentcharge is entitled for a limited estate or interest only, the Board of Agriculture—

(a) if the money exceeds the sum of twenty pounds for all the rentcharges under this Act in the manor, shall direct it to be paid into Court or to trustees in manner provided by this Act; and

- (b) in any other case, may direct it either to be paid in manner A.D. 1894 aforesaid or to be retained by that person for his own use.
- (2.) The consideration for the redemption of a rentcharge under this section shall—
- (a) where the rentcharge is of fixed amount, be twenty-five times the yearly amount of the rentcharge; and
- (b) in any other case, be a sum to be fixed by the Board of Agriculture on the request of the person entitled to redeem the rentcharge.
- (3.) The person intending to redeem shall give to the person for the time being entitled to receive the rentcharge six months' previous notice in writing of his intention.
- (4.) If on the expiration of the notice the redemption money and all arrears of the rentcharge are not paid, the person for the time being entitled to receive the rentcharge shall have for the recovery of the redemption money and all arrears, if any, of the rentcharge the like powers in respect of the land charged as are given by the Conveyancing and Law of Property Act, 1881, to a mortgagee in respect of the mortgaged property for the recovery of the mortgage debt and interest in a case where the mortgage is by deed. 44 & 45 Vict. c. 41.
- (5.) When it appears to the Board of Agriculture that payment or tender of the consideration for the redemption of a rentcharge has been duly made, the Board may certify that the rentcharge has been redeemed and the certificate shall be conclusive.
- (6.) The expenses incurred in redeeming a rentcharge under this section shall be dealt with on the same footing as the expenses incurred in redeeming a mortgage.

**31.**—(1.) Where the person for the time being entitled to the receipt of a rentcharge under this Act is entitled thereto for a limited estate or interest only, or is a corporation not authorised to sell the rentcharge except under the provisions of this Act, that person may sell and transfer the rentcharge with the consent of the Board of Agriculture given under their seal. Power to sell rentcharge.

(2.) When a rentcharge is sold under this section the consideration money for the sale shall be paid into Court or to trustees in manner directed by this Act.

Provided that when the consideration does not exceed the sum of twenty pounds for all the rentcharges under this Act in the manor the consideration may be paid, if the Board of Agriculture so direct, to the person for the time being entitled to receive the rentcharge for his own use.

*Application of Money to be paid under Act into Court or to Trustees.*

**32.**—(1.) Where money is directed by or in pursuance of this Act to be paid into Court it shall be paid into the High Court in manner provided by rules of Court to an account ex parte the Board of Agriculture. Payment of money into Court or to trustees.

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(2.) Where money is directed by this Act to be paid to trustees it shall be paid—

- (a) if there are any trustees acting under a settlement under which the lord or owner of the manor or rentcharge in respect of which the money arises derives his estate or interest in the manor or rentcharge, then to those trustees or to such one or more of them as the Board of Agriculture direct; and
- (b) in any other case to trustees appointed by the Board of Agriculture.

(3.) Where money may under the provisions of this Act be paid either into Court or to trustees, it may be paid either into Court or to trustees at the option (where the money arises in respect of an enfranchisement) of the lord for the time being, and (where it arises in respect of a rentcharge) of the owner for the time being of the rentcharge.

- (4.)—(a.) The Board of Agriculture may appoint fit persons to be trustees for the purposes of this Act.
- (b.) Where any trustee appointed by the Board of Agriculture dies the Board shall appoint a new trustee in his place.
- (c.) Where any trustee appointed by the Board desires to resign, or remains out of the United Kingdom for more than twelve months, or refuses or is unfit to act, or is incapable of acting the Board may if they think fit appoint another trustee in his place.
- (d.) An appointment under this section must be by order under the seal of the Board of Agriculture.

Investment  
of money in  
Court or in  
hands of  
trustees.

**33.**—(1.) Where in pursuance of this Act any money in respect of an enfranchisement or the redemption or sale of a rentcharge is paid into Court or to trustees the money shall when paid into Court be applied under the direction of the Court, and when paid to trustees be applied, subject to the consent of the Board of Agriculture, by the trustees, in one, or partly in one and partly in another or others, of the following modes of application or investment; that is to say,

- (a.) In the purchase or redemption of the land tax or in or towards the discharge of any incumbrance affecting the manor or the rentcharge or other hereditaments settled with the manor or rentcharge to the same or the like uses or trusts; or
- (b.) In the purchase of land; or
- (c.) In investment in two and three quarters per centum consolidated stock or in Government or real securities, or in any of the investments in which trustees are for the time being authorised by law to invest; or
- (d.) In payment to any person who would, if the enfranchisement or redemption or sale had not taken place, be absolutely entitled to the manor or the rentcharge respectively.

(2.) Land purchased under this section shall be conveyed to the uses, on the trusts, and subject to the powers and provisions which are or would but for the enfranchisement or redemption or sale be subsisting in the manor or rentcharge, as the case may be, or as near thereto as circumstances permit.

(3.) The income of an investment under this section shall be paid to the person who is or would but for the enfranchisement be entitled to the rents and profits of the manor, or would but for the redemption or sale be entitled to the rentcharge, as the case may be.

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(4.) An investment or other application of money in Court under this section shall be made on the application of the person who would for the time being be entitled to the income of an investment of the money.

*Expenses.*

34.—(1.) The expenses of a compulsory enfranchisement under this Act shall be borne by the person who requires the enfranchisement.

Expenses of  
dealings  
under Act,  
how borne.

(2.) A sum in respect of the expenses of a compulsory enfranchisement shall not be due or recoverable from any person until it has been certified by order of the Board of Agriculture to have been properly incurred.

(3.) The expenses of a voluntary enfranchisement under this Act shall be borne by the lord and tenant in such proportions as they agree, or in default of agreement as the Board of Agriculture direct.

(4.) All expenses which in the opinion of the Board of Agriculture are incidental to an enfranchisement, whether for proof of title, production of documents, expenses of witnesses, or otherwise, shall, for the purposes of this Act, be expenses of the enfranchisement.

(5.) Where there is any dispute as to the amount of the expenses payable by or to any person under this Act the Board of Agriculture may ascertain the amount and declare it by order, and the order shall be conclusive as to the amount and that it is payable by or to the persons mentioned in that behalf in the order.

(6.) If by reason of dispute as to title it appears to the Board of Agriculture to be uncertain on whom an order to pay expenses should be made, the Board may, if they think fit, grant to the person entitled to receive payment of the expenses a certificate of charge on the manor or land, as the case may be, in respect of which the expenses were incurred.

35.—(1.) When money is declared by this Act to be payable by any person on account of the expenses of proceedings under this Act—

Recovery of  
expenses.

(a.) It may be recovered as a debt due from the person liable to pay to the person entitled to receive it;

(b.) If the expenses are in respect of a compulsory enfranchisement, and the amount is certified by an order of the Board of Agriculture, it may be recovered in any way provided by this Act for the recovery of the consideration for the enfranchisement;

(c.) If the amount is certified by an order of the Board of Agriculture, and the person liable to pay the amount does not pay it immediately after receiving notice of the order, the

A.D. 1894.

person to whom the amount is payable shall be entitled to obtain from a court of summary jurisdiction a warrant of distress against the goods of the person in default;

(d.) If the money is payable by a lord to a tenant, or by the owner of a rentcharge to the owner of the land charged, it may be set off against any money which at the time is receivable by the lord from the tenant, or by the owner of the rentcharge from the owner of the land charged, as the case may be.

(2.) If a tenant who is a trustee, or is not beneficially interested in the land of which he is tenant, properly pays any expenses of an enfranchisement under this Act, he may, except as against an unadmitted mortgagee, recover the amount paid from the person who is entitled to the land at the date of the enfranchisement.

(3.) If an occupier of land properly pays any expenses of an enfranchisement under this Act he may deduct the amount paid from his next rent.

*Charge for Consideration Money and Expenses.*

Charge for consideration money and expenses of tenant.

**36.**—(1.) Where an enfranchisement is effected under this Act the tenant may charge the land enfranchised with all money paid by him as the compensation or consideration for the enfranchisement, and with his expenses of the enfranchisement, or, with the consent of the lord, with any compensation payable, or with any part thereof respectively.

(2.) Where land is conveyed as the consideration for a voluntary enfranchisement under this Act, and the person conveying the land is absolute owner of the land conveyed, he may charge the land enfranchised with such reasonable sum as the Board of Agriculture consider to be equivalent to the value of the land conveyed and with the expenses of the conveyance.

(3.) Where a lord purchases under this Act a tenant's interest in land he may charge the land purchased, and the manor and any land settled therewith to the same uses, with the purchase money and the expenses of the purchase.

(4.) When a charge may be made under this section, the expenses of the charge may be included in the charge.

(5.) A charge under this section may be for a principal sum and interest thereon not exceeding five per cent. per annum, or may be by way of terminable annuity calculated on the same basis.

(6.) A charge under this section may be by deed by way of mortgage, or by a certificate of charge under this Act.

(7.) A charge under this section shall be a first charge on the manor or land subject to the charge, and shall have priority over all incumbrances whatsoever affecting the manor or land, except tithe rentcharge and any charge having priority by statute, notwithstanding that those incumbrances are prior in date.

(8.) Any money secured on land may be continued on the security thereof notwithstanding a charge under this section.

**37.**—(1.) Expenses incurred by a lord in proceedings under this Act may— A.D. 1894.

(a) be paid out of any consideration or compensation money (where it is a gross sum) arising in respect of the proceedings; Charge for lord's expenses.  
or

(b) be charged, together with the expenses of the charge, on the manor or on land settled to the same uses as the manor or on any rentcharge arising in respect of the proceedings or in respect of any enfranchisement made under this Act within the manor.

(2.) A charge under this section shall be by deed by way of mortgage, or by a certificate of charge under this Act.

(3.) This section does not apply to the expenses of a purchase by the lord of a tenant's interest under this Act.

**38.** If a tenant or person claiming to be tenant pays any money in respect of the compensation or consideration for an enfranchisement under this Act, and is afterwards evicted from the land enfranchised, he may claim against the land enfranchised the amount of the money or so much of it as is not charged on the land under the other provisions of this Act, and that amount shall be a charge on the land with interest thereon at the rate of four per cent. per annum from the date of the eviction. Charge for consideration money where tenant's title proves bad.

**39.** If a mortgagee pays under this Act any compensation or consideration money or expenses in respect of an enfranchisement of or redemption of a rentcharge on the mortgaged property the amount so paid shall be added to his mortgage, and the mortgaged property shall not be redeemable without payment of that amount and interest thereon. Charge for money paid by mortgagee.

**40.** Any company authorised to make advances for works of agricultural improvement to owners of settled and other estates, may, subject and according to the provisions of its Act of Parliament, charter, deed, or instrument of settlement, make advances to owners of settled and other estates of such sums as may be required for the payment of any compensation or consideration for enfranchisement under this Act, or of any expenses chargeable on a manor or land under this Act or otherwise, and take for their repayment a charge for the same in accordance with those provisions respectively. Power to advance sums required for purposes of Act.

**41.**—(1.) A certificate of charge under this Act shall be under the seal of the Board of Agriculture, and shall be countersigned by the person at whose instance the charge is made. Certificates of charge.

(2.) If the charge is by way of terminable annuity the certificate shall state the amount of the annuity and the term during which it is payable.

(3.) If the charge is for a principal sum and interest the certificate shall state the amount of the principal sum and the rate of interest, and shall contain a proviso declaring that the certificate shall be void on payment of the principal with any arrears of interest due thereon at a time specified in the certificate or at the expiration of an ascertained notice.

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(4.) The manor or land charged by the certificate may be described by reference to the proceedings under this Act in respect of which the charge is made, or otherwise as the Board of Agriculture see fit.

(5.) The certificate and the charge made thereby shall be transferable by endorsement on the certificate.

(6.) A certificate of charge taken by the lord of any manor or by the tenant or owner of any land shall not merge in the freehold or other estate in the manor or land unless the owner of the charge, by endorsement on the certificate or otherwise, declares in writing his intention that the charge shall merge.

(7.) The owner for the time being of a certificate of charge shall have for the recovery of any sum in the nature of interest or periodical payment becoming due under the certificate the like remedies as the owner of a rentcharge under this Act has in respect of his rentcharge, and shall also have, in respect of every sum whether in the nature of interest or periodical payment or principal sum secured by the certificate, the like remedies as a mortgagee in fee simple of freehold land has in respect of the principal sum and interest secured by his mortgage.

(8.) A certificate of charge and a transfer thereof may be in the forms contained in that behalf respectively in the First Schedule to this Act, or in forms to the like effect.

## PART V.

## ADMINISTRATIVE PROVISIONS.

*Notice of Right to enfranchise.*

Notice of  
right to  
enfranchise  
to be given  
by steward.

**42.**—(1.) On the admittance or enrolment of any tenant, the steward of the manor shall, without charge, give to the tenant admitted or enrolled, a notice of his right to obtain enfranchisement.

(2.) The notice shall be in the form contained in that behalf in the First Schedule to this Act, or in a form to the like effect.

(3.) If a steward neglects on any admittance or enrolment to give the notice required by this section, he shall not be entitled to any fee for that admittance or enrolment.

*Parties to Proceedings under Act.*

Limited  
owners.

**43.** Anything by this Act required or authorised to be done by a lord or by a tenant may be done by him notwithstanding that his estate in the manor or land is a limited estate only.

Trustees.

**44.**—(1.) Anything by this Act required or authorised to be done by a lord or by a tenant may be done by him notwithstanding that he is a trustee.

(2.) Where the lords or the tenants are trustees and one or more of the trustees is abroad or is incapable or refuses to act, any proceedings necessary to be done by the trustees for effecting an enfranchisement under this Act may be done by the other trustee or trustees.



**45.** When a lord or a tenant or any person interested in an enfranchisement or redemption or sale or otherwise under this Act is an infant or a lunatic, or is abroad or is unknown or not ascertained, anything by this Act required or authorised to be done by or in respect of him shall be done on his behalf, if he is an infant and has a guardian, by his guardian, and if he is a lunatic and there is a committee of his estate, by the committee, and if he is abroad and has an attorney authorised in that behalf, by his attorney, and in every other case by some fit person appointed by the Board of Agriculture to represent him for the purposes of this Act.

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Representation of infants, lunatics, &amp;c.

**46.** A married woman being lady of a manor or tenant shall, for the purposes of this Act, be deemed to be a feme sole.

Married woman for purposes of Act to be feme sole.

**47.**—(1.) A lord for the purposes of this Act may act either on his own behalf, or by his steward, or may appoint an agent other than his steward to act for him.

Steward in general to represent lord.

(2.) Unless and until a lord has given to a tenant and to the Board of Agriculture notice in writing that he intends to act on his own behalf, or has appointed an agent (to be named in the notice) other than his steward to act for him, the steward shall for the purposes of this Act represent the lord in all matters of procedure, and the tenant and the Board may treat the steward as the agent of the lord for the purpose of giving and receiving notices, and (except where this Act expressly requires a special authority from the lord) of making agreements, and of all other matters relating to enfranchisement.

**48.**—(1.) A lord or tenant or other person interested in any proceedings under this Act may by power of attorney appoint an agent to act for him in the execution of this Act.

Appointment of agent by power of attorney.

(2.) The power of attorney must be in writing, and must be signed by the person giving it, or, if it is given by a corporation aggregate, be sealed or stamped with the seal of the corporation.

(3.) The power of attorney, or a copy thereof authenticated by the signature of two witnesses, must be sent to the Board of Agriculture.

(4.) The appointment of an agent under this section may be revoked by the person who gave it sending to the Board notice in writing, signed or sealed as the case requires, of the revocation.

(5.) When an agent has been appointed under this section, and the agency is subsisting—

(a.) Everything which is by this Act directed or authorised to be done by or in relation to the principal, may be done by or in relation to the agent; and

(b.) The agent may concur in and execute any agreement or application or document arising out of the execution of this Act; and

(c.) Every person shall be bound by the acts of the agent acting within his authority, as if they were the acts of the principal.

(6.) A power of attorney under this section may be in the form mentioned in that behalf in the First Schedule to this Act, or in a form to the like effect.

A.D. 1894. — **49.**—(1.) The proceedings for or in relation to an enfranchisement under this Act shall not abate by the death of the lord or tenant pending the proceedings.

Death pending proceedings.

(2.) Where an admittance or enrolment is necessary in consequence of the death, the admittance or enrolment shall be made, but no fine, relief, or heriot shall be payable to the lord in consequence of a death or any admittance or enrolment on a death occurring between the date of a notice to enfranchise or a completed agreement for enfranchisement under this Act, and the enfranchisement in pursuance of that notice or agreement, and the compensation shall be ascertained on the same footing as if the enfranchisement had been effected immediately after the commencement of the proceedings.

Succession of rights and liabilities.

**50.** All rights conferred and all liabilities imposed by this Act on a lord or on a tenant shall be held to be conferred and imposed respectively on the successors in title of the lord and tenant unless a contrary intention appears.

Power to require declaration as to lord's title.

**51.**—(1.) Before any enfranchisement under this Act the Board of Agriculture may if they think fit require the lord or his steward to make a statutory declaration in such form as the Board direct, stating who are the persons for the time being filling the character or acting in the capacity of lord, the nature and extent of the estate and interest of the lord in the manor, and the date and short particulars of the deed, will, or other instrument under which he claims or derives the title, and the name and style of the person in whose name the court of the manor was last holden, and the date of the holding of that court, and the incumbrances, if any, affecting the manor, and the Board may accept a declaration made under this section for the purposes of this Act.

(2.) If the lord or his steward does not make a declaration which he is required to make in pursuance of this section, or if in the opinion of the Board the declaration does not fully and truly disclose all the necessary particulars, or if the lord refuses to give any evidence which the Board think proper and necessary to show a satisfactory *primâ facie* title in the lord, or if the Board think that the incumbrancers should be protected, the Board may, if they think the justice of the case requires it, direct the compensation or consideration where it is a gross sum to be paid into Court or to trustees in manner directed by this Act.

(3.) Where the lord applies to the Board to effect an enfranchisement under this Act, the Board shall, if the tenant of the land proposed to be enfranchised so requires, satisfy themselves of the title of the lord.

*Questions arising in Proceedings under Act.*

Boundaries.

**52.** On an enfranchisement under this Act—

(1.) Where the identity of any land cannot be ascertained to the satisfaction of the valuers, if the quantity of the land is mentioned in the court rolls of the manor, and is therein stated to be in statute measure, the land shall be taken to be of that quantity, and in every other case the quantity shall be determined by the valuers:

- (2.) Where the land is not defined by a plan on the court rolls the valuers shall, if requested in writing by the lord or the tenant, define the boundaries of the land by a plan : A.D. 1894.

Provided that a plan shall not be made except by agreement between the lord and tenant where it appears by the court rolls or otherwise that the boundaries of the land have been for more than fifty years last past treated as being intermixed with the boundaries of other lands and as being incapable of definition :

- (3.) Where, after the appointment of valuers, there is any doubt or difference of opinion as to the indenture of any land, the lord or tenant may apply to the Board of Agriculture to define the boundaries of the land for the purposes of the enfranchisement, and the Board shall ascertain and define the boundaries in such manner as they think proper :
- (4.) A plan made under this section and approved by the Board, and a definition of boundaries by the Board under this section, shall be conclusive as between the lord and the tenant.

**53.**—(1.) If any objection is made or question arises in the course of the valuation in a compulsory enfranchisement under this Act in relation to any alleged custom, or the evidence thereof, or any matter of law or fact material to the valuation or arising on the enfranchisement, the lord or tenant may require, in writing, that the question be referred to the Board of Agriculture, and the Board shall inquire into and decide the question, and their decision shall, subject to the appeal provided by this section, be final. Power for Board to decide questions arising in enfranchisements.

(2.) Either party may appeal to the High Court by way of special case from a decision of the Board on a matter of law, subject to the following provisions, that is to say :—

- (a.) An application to state a case must be made to the Board within twenty-eight days after the decision appealed from :
- (b.) The person applying for the case must give to the other party to the inquiry not less than fourteen days' previous notice in writing of the intended application :
- (c.) The case shall, if the parties differ, be settled by the Board :
- (d.) The judgment of the court on a special case shall be final and binding on the parties and on the Board.

**54.**—(1.) The Board of Agriculture, or a valuer, may, for the purposes of this Act, by summons under the seal of the Board— Power to call for production of documents and examine witnesses.

- (a) call for the production, at such time and place as the Board appoint, of any court rolls or copies of court roll, or any books, deeds, plans, documents or writings relating to any matter before them, in the possession or power of any lord or tenant or steward ; and
- (b) summon to attend as witness any lord or tenant or other person.

(2.) The Board or a valuer may examine any witness on oath and may administer the oath necessary for that purpose.

(3.) A lord or tenant summoned under this section shall not be bound to answer any question as to his title.

(4.) If any person summoned under this section, to whom a reasonable sum has been paid or tendered for his expenses, without

A.D. 1894. lawful excuse neglects or refuses to attend, or to give evidence, or to produce a document in pursuance of the summons, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5.) If any person wilfully gives false evidence in any proceeding under this Act he shall be guilty of perjury.

(6.) If any person wilfully destroys or alters any document of which the production is required under this section he shall be guilty of a misdemeanor.

Expenses of inquiries before Board.

55. The Board of Agriculture may, if they think fit, order that the expenses of any inquiry by the Board under this Act, including the expenses of witnesses, and of the production of documents, be paid by the parties to the inquiry, and to such person, and in such proportions, as the Board think proper.

Power to transfer charges on manor to other land or stock.

56.—(1.) Where, in the course of an enfranchisement under this Act, it is found that a manor or the lord's estate and interest in any land belonging thereto, which may be the subject of enfranchisement, is subject to the payment of a fee-farm rent or to any other charge, the Board of Agriculture may, on the application of the person for the time being bound to make the payment or defray the charge, by order under their seal, direct that the rent or charge shall be a charge on any freehold land specified in the order of adequate value and held under the same title as the manor or land respectively, or on an adequate amount of Government stocks or funds to be transferred into Court by the direction of the Board or into the names of trustees appointed by the Board.

(2.) From and after the sealing of the order the manor and land shall be discharged from the rent or charge, and the rent or charge shall be a charge on the land or the funds specified in that behalf in the order.

(3.) There shall, by virtue of this Act, be attached, so far as the nature of the case will admit, to every charge under this section the like remedies, as against the land or funds made subject thereto, for the recovery of the amount charged as might have been had as against the manor or land in respect of the original charge.

*Notices, Instruments, and Forms.*

Notices.

57.—(1.) A notice required or authorised by this Act to be given to any person must be given in writing and may be given—

(a) by leaving it at his usual or last known place of abode or business in the United Kingdom; or

(b) by sending it by post in a registered letter addressed to him at that place; or

(c) where he is a tenant of any premises, by delivering the notice or a true copy of it to some person on the premises, or if there is no person on the premises to whom it can be delivered with reasonable diligence, by fixing it on some conspicuous part of the premises.

(2.) Where a notice is required by this Act to be given by the Board of Agriculture or a valuer and no other mode of giving the notice is directed, the notice may be either in the name of the Board or valuer, as the case may be, or on their behalf respectively in the name of any person authorised by the Board to give notices.

**58.**—(1.) An agreement, valuation, or power of attorney under this Act shall not be chargeable with stamp duty. A.D. 1894.

(2.) An enfranchisement award shall be chargeable with the like stamp duty as is chargeable in respect of an enfranchisement deed. Stamp duty.

(3.) A certificate of charge under this Act and a transfer thereof shall be chargeable with the like stamp duty as is chargeable in respect of a mortgage and a transfer of a mortgage respectively.

**59.** The Board of Agriculture may require the payment of all office fees and other expenses of the Board from either lord or tenant requesting the delivery of any award, deed, or order under this Act, before delivering it. Payment of office fees.

**60.**—(1.) The Board of Agriculture may at any time if they think fit, on the application of any person interested in an award or deed of enfranchisement or charge or other instrument made or issued or having effect under the provisions of this Act, correct or supply any error or omission arising from inadvertence in that instrument. Power for Board to correct errors in instruments.

(2.) Before making an alteration under this section the Board shall give such notice as they think proper to the persons affected by the alteration.

(3.) An alteration shall not be made in an instrument relating to a voluntary enfranchisement without the consent in writing of the persons affected by the alteration.

(4.) The expenses of and incidental to an application under this section shall be paid by the persons interested in the application or some of them if and as the Board direct.

**61.**—(1.) The confirmation under the seal of the Board of Agriculture of an award of enfranchisement, and the execution by the Board of a deed of enfranchisement respectively, shall be conclusive evidence of compliance with all the requirements of this Act with respect to proceedings to be taken before the confirmation or execution. Execution of enfranchisement instrument to be conclusive of regularity of proceedings.

(2.) An award or deed of enfranchisement shall not be impeached by reason of any omission, mistake, or informality therein or in any proceeding relating thereto, or of any want of any notice or consent required by this Act, or of any defect or omission in any previous proceedings in the matter of the enfranchisement.

**62.**—(1.) Any person interested in any land enfranchised under this Act may at any time inspect and obtain copies of the court rolls of the manor of which the land was held on payment of a reasonable sum for the inspection or copies. Inspection of court rolls after enfranchisement.

(2.) The Board of Agriculture may, if they think fit, fix a scale of fees to be paid to the steward or person having custody of the court rolls for the inspection and for making extracts or copies.

**63.**—(1.) Any person interested in any land included in any enfranchisement or commutation made by apportionment under the Copyhold Act, 1841, may inspect and obtain copies of or extracts from any instrument relating to the enfranchisement or commutation deposited with a clerk of the peace or steward of a manor under that Act. Evidence from instruments under repealed Acts.  
4 & 5 Vict.  
c. 35.

A.D. 1894.

(2.) A person requiring under this section inspection of or a copy of or extract from any instrument shall give reasonable notice to the person having the custody of the instrument, and shall pay to him for every inspection a fee of two shillings and sixpence and for every copy and extract a fee at the rate of twopence for every seventy-two words in the copy or extract.

(3.) Every recital or statement in, or agreement, schedule, map, plan, document, or writing annexed to a confirmed apportionment made under the said Act shall be sufficient evidence of the matters recited or stated, and of the accuracy of the map or plan respectively.

Custody of  
court rolls  
after en-  
franchisement.

**64.**—(1.) When all the lands held of a manor have been enfranchised, the lord, or with the consent of the lord, any person having custody of the court rolls and records of the manor may hand over all or any of the court rolls and records to the Board of Agriculture or to the Master of the Rolls.

(2.) Where any court rolls or other records are in the custody of the Board of Agriculture, the Board may hand over all or any of them to the Master of the Rolls.

(3.) Any person interested in any enfranchised land may inspect and obtain copies of and extracts from any court rolls or records in the custody of the Board, or of the Master of the Rolls, relating to the manor of which that land was held or was parcel, on payment of such reasonable fees as are fixed from time to time by the Board or the Master of the Rolls respectively.

(4.) The Master of the Rolls may undertake the custody of court rolls and records handed over to him under this section, and may make rules respecting the manner in which, and the time at which inspection may be made and copies and extracts may be obtained of and from the court rolls and records in his custody, and as to the amount and mode of payment of the fees for the inspection, copies, and extracts respectively.

(5.) Every rule made under this section shall be laid, as soon as may be, before both Houses of Parliament.

Board to  
frame and  
circulate  
forms.

**65.** The Board of Agriculture shall frame and cause to be printed forms of notices and agreements and such other instruments as in their judgment will further the purposes of this Act, and shall supply any such form to any person who requires it, or to whom the Board think fit to send it, for the use of any lord or tenant desirous of putting this Act into execution.

Board to  
publish a  
scale of com-  
pensation.

**66.**—(1.) The Board of Agriculture shall frame, and cause to be printed and published—

(a) such a scale of compensation for the enfranchisement of land from the several rights and incidents, including heriots, specified or referred to in this Act, as in their judgment will be fair and just and will facilitate enfranchisement, together with such directions for the lord, tenant, and valuers as the Board think necessary; and

(b) a scale of allowance to valuers for their services in the execution of this Act.

(2.) The Board may vary any such scale.

(3.) The scales published by the Board under this section shall be for guidance only, and shall not be binding as a matter of law in any particular case. A.D. 1894.

(4.) The person requiring an enfranchisement shall state to the other party to the enfranchisement whether he is or is not willing to adopt the scale of compensation published by the Board.

*Legal Proceedings.*

67. An order or proceeding under this Act by, or before, or under the authority of the Board of Agriculture, or a conviction under this Act, shall not be quashed for want of form, and shall not be removed by certiorari or otherwise into the High Court or any other court. Proceedings under Act not to be quashed for want of form nor removed by certiorari.

PART VI.

APPLICATION OF ACT TO SPECIAL MANORS.

68.—(1.) Where a manor is vested in Her Majesty in right of the Crown or of the Duchy of Lancaster, either in possession or in remainder expectant on an estate less than an estate of inheritance, and either solely or in coparcenary with a subject, and the Commissioners of Woods or the Chancellor and Council of the Duchy of Lancaster in exercise of the powers vested in them enter into negotiations for the enfranchisement of any land held of the manor, and cannot agree with the tenant as to the amount of the consideration money to be paid by him for the enfranchisement to the Commissioners or to the Receiver-General of the Duchy of Lancaster as the case may be, the Commissioners or the Chancellor and Council, as the case may be, may, if they think fit, on the request of the tenant, and on an agreement for the enfranchisement being entered into by them and the tenant respectively, refer it to the Board of Agriculture to appoint a surveyor to determine the said amount. Proceedings for determining compensation in certain enfranchisements of Crown lands.

(2.) The Board of Agriculture shall on a reference being made under this section appoint a practical land surveyor for the purposes of the reference, and his award shall be final.

(3.) The expenses of and incidental to a reference under this section shall be treated as expenses on a compulsory enfranchisement at the instance of the tenant.

69.—(1.) Where a manor is vested in Her Majesty in right of the Crown in remainder or reversion expectant on an estate of inheritance, the manor and any land held of the manor may, with the consent in writing of the Commissioners of Woods or one of them, be dealt with under the provisions of this Act with respect to a voluntary enfranchisement, subject to the provisions of this section. Voluntary enfranchisement under Act in certain Crown manors.

(2.) Where the consideration for an enfranchisement under this section is a gross sum it shall either be paid to two trustees to be appointed for the purpose, one by the Commissioners of Woods or one of them, and one by the person for the time being entitled

A.D. 1894. — to the rents and profits of the manor, or be paid into Court to the account of ex parte Her Majesty the Queen and the person so entitled as aforesaid.

(3.) Money paid to trustees or into Court under this section shall be applied—

(a) in the purchase or redemption of the land tax affecting the manor or any other land settled to the like uses as the manor; or

(b) in the purchase of land in fee simple convenient to be held with the manor; or

(c) in investment on Government or real securities or in any of the investments in which trustees are for the time being authorised by law to invest.

(4.) The income of an investment under this section shall be paid to the person for the time being entitled to the rents and profits of the manor.

(5.) Where land is purchased with any consideration money under this section, or where the consideration consists of a rentcharge, the land or rentcharge shall be conveyed to the uses on the trusts and subject to the powers and provisions then affecting the manor or as near thereto as circumstances permit.

(6.) On the payment of the consideration where it is a gross sum of money, or on or before the execution of the conveyance of the rentcharge, where the consideration is a rentcharge, the Commissioners of Woods or one of them may join with the person for the time being entitled to the rents and profits of the manor in executing a deed of enfranchisement.

(7.) The deed shall state in what manner the enfranchisement money, if any, has been applied.

(8.) The deed shall on the enrolment thereof being made in manner provided by this Act, vest in the tenant all the estate, right, and interest of Her Majesty in right of the Crown and of all other persons interested under the settlement of the manor in the land enfranchised, either absolutely or subject to the reservations, if any, contained in the deed.

(9.) A trustee appointed under this section by the Commissioners of Woods or one of them shall be indemnified by the Commissioners out of the rents and profits of the possessions and land revenues of the Crown from all costs and expenses, if any, which he incurs in the execution of the trust, and of which he does not obtain repayment out of the trust moneys.

Enfranchise-  
ment in  
manors held  
in joint  
tenancy with  
the Crown.

**70.** A manor vested in Her Majesty in right of the Crown in possession, remainder, or reversion, in joint tenancy or coparcenary with a subject may, so far as regards the rights and interests of the subject and of the tenant, be dealt with under this Act, and the provisions of this Act relating to enfranchisements in manors vested in Her Majesty in right of the Crown in remainder or reversion expectant on an estate of inheritance shall apply so far as regards the share or interest of Her Majesty.

Enrolment of  
instruments  
on enfran-  
chisements

**71.**—(1.) The Keeper of Land Revenue Records and Enrolments shall, for the purpose of preserving a record of enfranchisements under this Act of land held of manors vested in Her Majesty,



provide a book in which shall be entered a memorial of every deed of enfranchisement of any such land, and of every grant of a rent-charge on the enfranchisement, and of every conveyance of land purchased with the enfranchisement money. A.D. 1894.  
in Crown manors.

(2.) The memorial, where it is of a conveyance of land, shall be accompanied by a plan of the land.

(3.) The memorial of any instrument under this section shall be signed by one of the parties to the instrument.

(4.) An instrument of which a memorial is required to be enrolled under this section shall not take effect until there has been written thereon a certificate signed by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, that a memorial thereof has been lodged at the office of Land Revenue Records and Enrolments.

(5.) A certificate purporting to be signed by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, shall be admissible as evidence of the facts stated therein.

(6.) A copy of the enrolment of the memorial purporting to be signed and certified to be a true copy by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, shall be admissible as evidence of the deed or instrument or facts referred to in the memorial.

(7.) The Treasury may direct what reasonable fees shall be paid in respect of an enrolment under this section, and fees paid for an enrolment shall be deemed to be expenses of the enfranchisement or purchase, as the case may be, in respect of which the enrolment is made.

**72.**—(1.) An agreement for an enfranchisement shall not be valid—

(a) where the manor or land to be affected by the enfranchisement is held under an ecclesiastical or other corporation; or

(b) where any such corporation or the patron of a living is interested in the manor or land to the extent of one third of the value thereof; or

(c) where in the opinion of the Board of Agriculture any such corporation would be affected by the enfranchisement,

unless the agreement is made with the consent in writing of that corporation or person.

Consent of ecclesiastical corporations, &c., required to dealings with manors in which they are interested.

(2.) A consent under this section must, in the case of a corporation aggregate, be under the seal of the corporation, and in other cases be signed by the person giving it, and must in every case be annexed to the agreement to which it relates.

**73.** Where land proposed to be enfranchised under the provisions of this Act with respect to compulsory enfranchisement is held of a manor belonging either in possession or reversion to an ecclesiastical corporation, the Ecclesiastical Commissioners shall have notice of the proceedings, and shall have the like power of expressing assent to or dissent from the proceedings as is provided by this Act with respect to a person entitled in reversion or remainder, and the provisions of this Act with respect to the notice, and the proceedings thereon, shall apply accordingly.

Notice to Ecclesiastical Commissioners in certain cases.

A.D. 1894.  
—  
Enfranchise-  
ment money  
for use of  
spiritual person  
may be paid to  
Queen Anne's  
Bounty.

**74.**—(1.) Any compensation or consideration money to be paid under this Act for the use of any spiritual person in respect of his benefice or cure may at the option of the lord be paid to Queen Anne's Bounty, and the receipt of the treasurer shall be a sufficient discharge.

(2.) Money paid under this section shall be applied by the Bounty as money in their hands appropriated for the augmentation of the benefice or cure, as the case may be.

Application  
of enfran-  
chisement  
money where  
enfranchise-  
ment might  
have been  
under  
14 & 15 Vict.  
c. 104.

**75.** Where on an enfranchisement under this Act it appears to the Board of Agriculture that the enfranchisement might have been effected under the Episcopal and Capitular Estates Act, 1851, or any Act amending the same—

(a) the consideration for the enfranchisement shall be paid and applied in like manner as if an enfranchisement had been effected under the said Episcopal and Capitular Estates Act and the Acts amending the same; and

(b) the Church Estates Commissioners and Ecclesiastical Commissioners respectively shall have the same powers over the consideration money and the interest thereon, and over any land, rentcharges, or securities acquired in respect of the enfranchisement, and over or against any ecclesiastical corporation interested therein respectively, as they would have had if the enfranchisement had been effected with the consent of the Church Estates Commissioners under the said Acts:

Provided that where an ecclesiastical corporation or the Ecclesiastical Commissioners have only a reversionary interest in the manorial rights extinguished by the enfranchisement, the consideration, if it is a gross sum, shall be paid into Court or to trustees, and applied under this Act accordingly until the time when the reversionary interest would if it were not extinguished have come into possession, and the consideration money and the investments thereof shall then be paid or transferred to the Church Estates Commissioners as persons absolutely entitled thereto.

Enfranchise-  
ment money  
may be paid  
to official  
trustees of  
charitable  
funds on  
behalf of  
charity.

**76.**—(1.) Where a corporation, or any person, lord of a manor held on a charitable trust within the provisions of the Charitable Trusts Acts, 1853 to 1891, is not authorised to make an absolute sale otherwise than under those Acts, or this Act, the compensation or consideration payable to the lord for an enfranchisement or for the redemption or sale of a rentcharge under this Act may at the option of the lord be paid to the Official Trustees of Charitable Funds in trust for the charity.

(2.) Any principal money paid to the Official Trustees under this section shall be applied by them under the order of the Charity Commissioners for the like purposes as if it had been paid into Court under this Act, and in the meantime the money shall be invested, and the income of the investments applied, under the provisions of the said Charitable Trusts Acts with respect to charitable funds paid to the Official Trustees.

Enfranchise-  
ment money  
for use of  
corporation

**77.** Any compensation or consideration money to be paid under this Act to the use of a corporation, lord of a manor other than a manor held for charitable purposes within the meaning of the

Charitable Trusts Act, 1853, and the Charitable Trusts Amendment Act, 1855, may at the option of the lord be paid to trustees appointed by the Board of Agriculture for the purposes of this Act.

A.D. 1894.

may be paid  
to trustees.  
16 & 17 Vict. c. 137.  
18 & 19 Vict. c. 124.

**78.** Where any manor belonging to any of the Universities of Oxford, Cambridge, and Durham, or any college therein, or to either of the colleges of St. Mary at Winchester, near Winchester, or King Henry the Sixth at Eton, is held by any person on a lease for a life or lives, or for a term of years granted by any such university or college, that university or college and lessee shall jointly constitute the lord of the manor within the meaning of this Act, and any rentcharge created under this Act on the enfranchisement of land held of that manor shall be in favour of, and the compensation for the enfranchisement may be paid to, the person who at the date of the enfranchisement is entitled in possession to the profits of the manor, his executors and administrators, but without prejudice to any question as to the further disposal of any money paid in respect of the rentcharge or other compensation respectively. Provided that on the determination of such lease as aforesaid any money so paid on any securities in which the same may have been invested shall be paid or applied as enfranchisement money is directed to be paid and applied by section one of the Universities and College Estates Act, 1858.

Provision for  
case of joint  
lords of manors  
belonging to  
universities  
and colleges.

21 & 22 Vict.  
c. 44.

**79.** The following provisions shall apply to every manor in which the fines are certain, and in which it is the practice for copyholders in fee to grant derivative interests to persons who are admitted as copyholders of the manor in respect of those interests:—

Provisions  
where deriva-  
tive interests  
are entered  
on rolls.

- (1.) In the application of this Act to any such manor the tenant shall be the person who is admitted or enrolled in respect of the inheritance, and that person is in this section called the tenant-in-fee.
- (2.) The enfranchisement of land to a tenant-in-fee shall enure for the benefit of every person having any customary estate or interest in the land at the date of the enfranchisement, and every such person shall become entitled to an estate or interest in the land corresponding with his customary estate or interest.
- (3.) All rentcharges payable in respect of the enfranchisement, and all sums of money payable by a tenant-in-fee for compensation or the expenses of enfranchisement, and the interest thereon, shall, if the parties do not otherwise agree, be borne and paid by the several persons for whose benefit the enfranchisement enures in proportion to their respective interests in the enfranchised land.
- (4.) If a dispute arises respecting the apportionment of any such charge or payment, the Board of Agriculture may, on the application of any person interested, after due inquiry make an order apportioning the same.
- (5.)—
  - (a.) On the request of the lord, or of one fourth in number of the copyholders for the time being on the court roll of

A.D. 1894.

the manor, and on such provision being made for expenses as the Board require, the Board may make a local inquiry for the purpose of ascertaining whether the copyholders of the manor desire that an enfranchisement be effected throughout the manor :

(b.) If the Board find that not less than two thirds in number of the copyholders desire the enfranchisement, they shall make an order declaring that enfranchisement of all copyhold tenements of the manor shall take place, and they shall thereupon proceed to ascertain the compensation payable to the lord on the enfranchisement of each tenement held by a tenant-in-fee, and to effect the enfranchisement of that tenement accordingly. The compensation in every case shall consist of a gross sum of money, unless the lord and tenant-in-fee otherwise agree :

(c.) When an order declaring enfranchisement as aforesaid has been made—

(i.) All the tenants-in-fee shall contribute rateably to the expenses of the inquiry according to the amount of compensation payable by them respectively ;

(ii.) The tenant-in-fee and all copyholders holding derivative interests in the same tenement shall contribute rateably, according to the value of their respective interests, to the compensation, and to all expenses attending the enfranchisement payable by the tenants, including the contribution of the tenant-in-fee to the expenses of the inquiry ;

(iii.) The Board may apportion the contributions between the several tenants-in-fee, and also between the several tenants of each tenement, and may make orders for the payment of the contributions and expenses by the persons from whom they are due ;

(iv.) The Board shall not without the consent of the tenant-in-fee make an award for the enfranchisement of any tenement, until they have apportioned the contributions between the tenant-in-fee and the tenants holding derivative interests in the tenement, and have made orders for payment of, or have satisfied themselves that the tenant-in-fee has full security for, the amounts which the tenants of derivative interests are to contribute :

(6.) Every order of apportionment made by the Board shall be binding on all persons interested in the apportionment, and the expenses of and incident to the apportionment shall be paid by those persons, or any of them, as the Board direct.

Application  
of Act to part  
of manor.

**80.**—(1.) The Board of Agriculture may by order under their seal direct that a part of a manor specified in the order shall be considered as a manor for the purpose of effecting an enfranchisement under this Act, and all the provisions of this Act shall apply accordingly.

(2.) An order shall not be made under this section for the purposes of a voluntary enfranchisement without the consent of the lord in writing under his hand and seal. A.D. 1894.

## PART VII.

## GENERAL LAW OF COPYHOLDS.

**81.**—(1.) It shall not be lawful for the lord of any manor to make grants of land not previously of copyhold tenure to any person to hold by copy of court roll, or by any customary tenure, without the previous consent of the Board of Agriculture. Restraint on creation of new copyholds.

(2.) The Board of Agriculture in giving or withholding their consent to a grant under this section shall have regard to the same considerations as are to be taken into account by them in giving or withholding their consent to an inclosure of common lands.

(3.) When a grant has been lawfully made under this section the land therein comprised shall cease to be of copyhold tenure, and shall be vested in the grantee thereof to hold for the interest granted as in free and common socage.

**82.**—(1.) A customary court may be held for a manor—

- (a) although there is no copyhold tenant of the manor; and
- (b) although there is no copyhold tenant or only one copyhold tenant present at the court; and
- (c) either by the lord or steward or deputy steward.

Power to hold customary court though no copyholder present.

(2.) A court held under the authority of this section shall be a good and sufficient customary court for all purposes:

Provided as follows:—

- (a.) A proclamation made at the court shall not affect the right or interest of any person not present at the court unless notice of the proclamation is duly served on him within one month after the holding of the court; and
- (b.) This section shall not apply to a court held for the purpose of receiving the consent of the homage to a grant of common or waste land to hold by copy of court roll.

**83.** Where a lord may grant land to hold by copy of court roll or by any customary tenure the grant may be made—

- (a) out of the manor; and
- (b) without holding a court; and
- (c) either by the lord or steward or deputy steward:

Power to make grants out of manor and out of court.

Provided that where by the custom of a manor the lord is authorised with the consent of the homage to grant any common or waste lands to hold by copy of court roll, this section shall not authorise the lord to make the grant without the consent of the homage assembled at a customary court.

**84.**—(1.) A valid admittance to land of copyhold or customary tenure may be made—

- (a) out of the manor; and
- (b) without holding a court; and

Manner of making admittance.

A.D. 1894.

(c) without a presentment by the homage of the surrender, instrument, or fact in pursuance of which the admittance is made; and

(d) either by the lord or steward or deputy steward.

(2.) Any person entitled to admittance may be admitted by his attorney duly appointed whether orally or in writing.

Surrenders,  
&c. out of  
court to be  
entered on  
court rolls.

**85.**—(1.) Every surrender and deed of surrender which a lord is compellable to accept or accepts, and every will a copy of which is delivered to him either at a court at which there is not a homage assembled or out of court, and every grant or admittance made in pursuance of this Act, shall be entered on the court rolls.

(2.) An entry made in pursuance of this section shall be as valid for all purposes as an entry made in pursuance of a presentment by the homage.

(3.) The steward shall be entitled to the same fees and charges for an entry under this section as for an entry made in pursuance of a presentment by the homage.

Power to  
alienate  
ancient tene-  
ments in  
portions with  
licence of lord

**86.**—(1.) A lord may, notwithstanding any custom to the contrary, grant a licence to a tenant to alienate his ancient tenement or any part thereof by devise, sale, exchange, or mortgage, and either together or in parcels.

(2.) On the alienation under this section of a part of a tenement, or of a tenement in parcels, the lord may apportion the yearly customary rent payable for the whole tenement.

(3.) A parcel alienated under this section shall be subject to its apportioned part of the customary rent, and shall be held of the lord of the manor in all respects and be conveyed in like manner as the original tenement.

(4.) A licence under this section must be in writing and must be entered on the court rolls.

(5.) A steward may give a licence under this section if authorised in writing by the lord, but not otherwise.

Partition of  
copyhold land.

**87.** In an action for the partition of land of copyhold or customary tenure the like order may be made as may be made with respect to land of freehold tenure.

Descent of  
trust and  
mortgage  
estates in  
copyholds.

**88.** Section thirty of the Conveyancing and Law of Property Act, 1881, shall not apply to land of copyhold or customary tenure vested in the tenant on the court rolls on trust or by way of mortgage.

Receipt for  
consideration  
where under  
500*l.* for en-  
franchisement  
not under Act.

**89.**—(1.) Where an agreement for enfranchisement is made independently of this Act, and the consideration for the enfranchisement is a gross sum and does not exceed five hundred pounds, the lord may make a statutory declaration stating the particulars of his estate and interest in the manor.

(2.) If the declaration shows that the lord is entitled to make the enfranchisement, and to receive the consideration money for his own use, an enfranchisement by the lord shall be valid, and the lord's receipt for the consideration money shall effectually discharge the person paying it from being bound to see to the

application or being answerable for any loss or misapplication thereof. A.D. 1894.

(3.) Where a lord receives as the consideration for an enfranchisement within this section any money to which he is not in fact entitled for his own use, he shall be deemed to have received the money as trustee for the persons who are entitled thereto.

## PART VIII.

### AUTHORITY FOR EXECUTION OF ACT.

**90.** The Board of Agriculture shall in every year make a general report of their proceedings in the execution of this Act, and the report shall be laid before both Houses of Parliament as soon as may be after it is made. Board of Agriculture to make annual report.

**91.—(1.)** The Board of Agriculture may delegate to any officer of the Board any of their powers under this Act except the power to confirm agreements or awards, or to frame forms, or to do any act required by this Act to be done under the seal of the Board. Delegation of powers of Board.

(2.) The powers so delegated shall be exercised under such regulations as the Board direct.

(3.) The Board may recall or alter any power delegated under this section, and may, notwithstanding the delegation, act as if no delegation had been made.

(4.) All acts done by an officer of the Board lawfully authorised in pursuance of this section shall be obeyed by all persons as if they proceeded from the Board, and the non-observance thereof shall be punishable in like manner.

**92.—(1.)** A member or officer of the Board of Agriculture and a valuer or umpire appointed under this Act, and their agents and servants respectively, may enter on any land proposed to be dealt with under this Act, and may make all necessary measurements, plans, and valuations of the land. Power of entry for purposes of Act.

(2.) A person before entering on land under this section must give reasonable notice of his intention to the occupier of the land.

(3.) If a person does any injury in the execution of the powers of this section he shall make compensation therefor.

**93.** If any person obstructs or hinders a member or officer of the Board of Agriculture or a valuer or umpire acting under the powers of this Act, he shall be liable on summary conviction to a fine not exceeding five pounds. Penalty for obstructing persons administering Act.

## PART IX.

### DEFINITIONS, SAVINGS, AND REPEAL.

**94.** In this Act unless the context otherwise requires—

The expressions "admittance" and "enrolment" include every licence of any assurance; and every ceremony, act, and assent whereby the tenancy or holding of a tenant is perfected, and the expressions "admit" and "enrol" have corresponding meanings:

Interpretation.

A.D. 1894.

The expression "ecclesiastical corporation" means an ecclesiastical corporation within the meaning of the Episcopal and Capitular Estates Act, 1851, and the Acts amending the same :

The expression "enfranchisement" includes the discharge of freehold lands from heriots and other manorial rights :

The expression "heriot" includes a money payment in lieu of a heriot :

The expression "land" includes an undivided share in land :

The expression "lord" means a lord of a manor whether seised for life or in tail or in fee simple and whether having power to sell the manor or not, or the person for the time being filling the character of or acting as lord whether lawfully entitled or not, and includes all ecclesiastical lords seised in right of the church or otherwise, and lords farmers holding under them, and bodies corporate or collegiate :

The expression "manor" includes a reputed manor :

The expression "rent" includes reliefs and services (not being services at the lord's court), and every payment or render in money, produce, kind, or labour due or payable in respect of any land held of or parcel of a manor :

The expression "steward" includes a deputy steward and a clerk of a manor and any person for the time being filling the character of or acting as steward whether lawfully entitled or not :

The expression "tenant"—

(a) includes all persons holding by copy of court roll or as customary tenants or holding land subject to any manorial right or incident, and whether the land is held to them and their heirs or to two or more in succession or for life or lives or years, and whether the land is held of a manor or not; and

(b) includes a surrenderee by way of mortgage under a surrender entered on the court rolls in possession or in receipt of the rents and profits of the land; and

(c) where land is held in undivided shares means the person for the time being in receipt of at least two thirds of the value of the rents and profits of the land.

The expression "valuer" includes an umpire.

General  
savings.

**95.** Nothing in this Act—

(a) shall affect the custom of gavelkind in the county of Kent :  
or

(b) shall authorise a lord to enclose any common or waste land : or

(c) shall revive any right to fines or other manorial claims which are at any time barred by any statute of limitations : or

(d) shall interfere with any enfranchisement which may be made independently of this Act : or

(e) shall interfere with the exercise of any powers contained in any other Act of Parliament : or



(f) shall, except as in this Act expressly provided, apply to manors or land vested in Her Majesty in right of the Crown or of the Duchy of Lancaster: or A.D. 1894.

(g) shall extend to or prejudice the estate, right, title, privilege, or authority of Her Majesty in right of the Duchy of Cornwall, or the possessions thereof, or of the Duke of Cornwall for the time being: or

(h) shall extend to manors belonging either in possession or reversion to any ecclesiastical corporation or to the Ecclesiastical Commissioners where the tenant has not a right of renewal.

**96.** The provisions of this Act with respect to a compulsory enfranchisement shall not apply— Savings as to compulsory enfranchisement.

(a) to any copyhold land held for a life or lives or for years where the tenant has not a right of renewal; nor

(b) to manors in which Her Majesty has any estate or interest in possession, reversion, or remainder.

**97.** Nothing in this Act shall affect any right acquired in pursuance of registration under the Land Registry Act, 1862, or the Land Transfer Act, 1875, except to such extent as may be recorded by registration in pursuance of those Acts. Saving as to land registry. 25 & 26 Vict. c. 53. 33 & 39 Vict. c. 87.

**98.**—(1.) The provisions of this Act relating to—

(a) the grant of easements to a lord of a manor for mining purposes; Application of Act to Crown.

(b) the holding of customary courts although a copyhold tenant is not present;

(c) the making of grants or admittances out of the manor and out of court;

(d) the making of admittances without a presentment by the homage;

(e) the entry of surrenders and wills on the court rolls; and

(f) the partition of lands of copyhold or customary tenure, shall extend to manors and lands vested in Her Majesty in right of the Crown or of the Duchy of Lancaster.

(2.) The said provision relating to the grant of easements shall extend to an enfranchisement of land held of a manor vested in Her Majesty effected under the provisions of any existing Act of Parliament.

**99.** This Act shall not extend to Scotland or Ireland. Extent of Act.

**100.** The enactments described in the Third Schedule to this Act are hereby repealed to the extent appearing in the third column of the said schedule. Repeal.

Provided that all awards, deeds, orders, certificates, scales, instruments, charges, and rentcharges made, executed, granted, created, or having effect under any enactment repealed by this Act shall have effect as if this Act had not passed.

**101.** This Act may be cited as the Copyhold Act, 1894. Short title.

A.D. 1894.

## SCHEDULES.

## FIRST SCHEDULE.

## FORMS.

Sect. 5.

## 1. DECLARATION TO BE MADE BY VALUERS AND UMPIRES.

I, *A.B.*, declare that I will faithfully, to the best of my ability, value, hear, and determine the matters referred to me under the Copyhold Act, 1894.

*A.B.*

Made and subscribed in the presence of  
this                      day of                      189 .

Sect. 41.

## 2. CERTIFICATE OF CHARGE.

The Board of Agriculture 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] of the following series of periodical payments; that is to say, the sum of                      pounds payable on the day of                      , the further sum of                      pounds payable on the day of                      &c. [*or* with the principal sum of                      pounds with interest thereon after the rate of                      per cent. per annum, the principal to be repayable in manner following, that is to say [*state the terms*] ]; and the Board further certify 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 the Board of Agriculture have hereunto set their official seal this                      day of                      189 .

*The Schedule.**E.F.*  
*G.H.*

Sect. 41.

## 3. TRANSFER OF CERTIFICATE OF CHARGE.

I, *A.B.*, of                      hereby transfer the within certificate of charge to  
*C.D.* of                       
Dated this                      day of                      189 .

*A.B.*

Sect. 42.

## 4. NOTICE OF RIGHT TO ENFRANCHISE.

Take notice that if you desire that the copyhold land which you hold of this manor of                      shall become freehold you are entitled to enfranchise the same on paying the lord's compensation and the steward's fees. The lord's compensation may be fixed either by agreement between the lord and you, or by a valuer appointed by the lord and you, or through the agency of the Board of Agriculture, to whom you may make application, if you think fit, to effect the enfranchisement.

Sect. 48.

## 5. POWER OF ATTORNEY.

Manor of                      in the county of                       
I, *A.B.*, of                      , hereby appoint *C.D.*, of                       
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, 1894.

Dated this                      day of                      189 .

(Signed) *A.B.*

## SECOND SCHEDULE.

A.D. 1894.

## SCALE OF STEWARD'S COMPENSATION.

Sect. 9.

When the consideration for the enfranchisement—

	£	s.	d.
Does not exceed 1 <i>l.</i>	-	0	5 0
Exceeds 1 <i>l.</i> but does not exceed 5 <i>l.</i>	-	0	10 0
” 5 <i>l.</i> ” ” 10 <i>l.</i>	-	1	0 0
” 10 <i>l.</i> ” ” 15 <i>l.</i>	-	2	0 0
” 15 <i>l.</i> ” ” 20 <i>l.</i>	-	3	0 0
” 20 <i>l.</i> ” ” 25 <i>l.</i>	-	4	0 0
” 25 <i>l.</i> ” ” 50 <i>l.</i>	-	6	0 0
” 50 <i>l.</i> ” ” 100 <i>l.</i>	-	7	0 0

For every additional 50*l.*, or fractional part of 50*l.*,  
over and above the first 100*l.* - - - 0 10 0

The compensation to be exclusive of stamps and paper or parchment or map or plan, which are to be paid for by the tenant.

## THIRD SCHEDULE.

## ENACTMENTS REPEALED.

Sect. 100.

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Vict. c. 35. -	The Copyhold Act, 1841	The whole Act.
6 & 7 Vict. c. 23. -	The Copyhold Act, 1843	The whole Act.
7 & 8 Vict. c. 55. -	The Copyhold Act, 1844	The whole Act.
15 & 16 Vict. c. 51. -	The Copyhold Act, 1852	The whole Act.
21 & 22 Vict. c. 94. -	The Copyhold Act, 1858	The whole Act.
23 & 24 Vict. c. 59. -	The Universities and College Estates Act Extension Act, 1860.	Section four.
50 & 51 Vict. c. 73. -	The Copyhold Act, 1887	The whole Act.

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