

Arundel Estate Act, 1957

5 & 6 Eliz. 2 Ch. 1

ARRANGEMENT OF SECTIONS

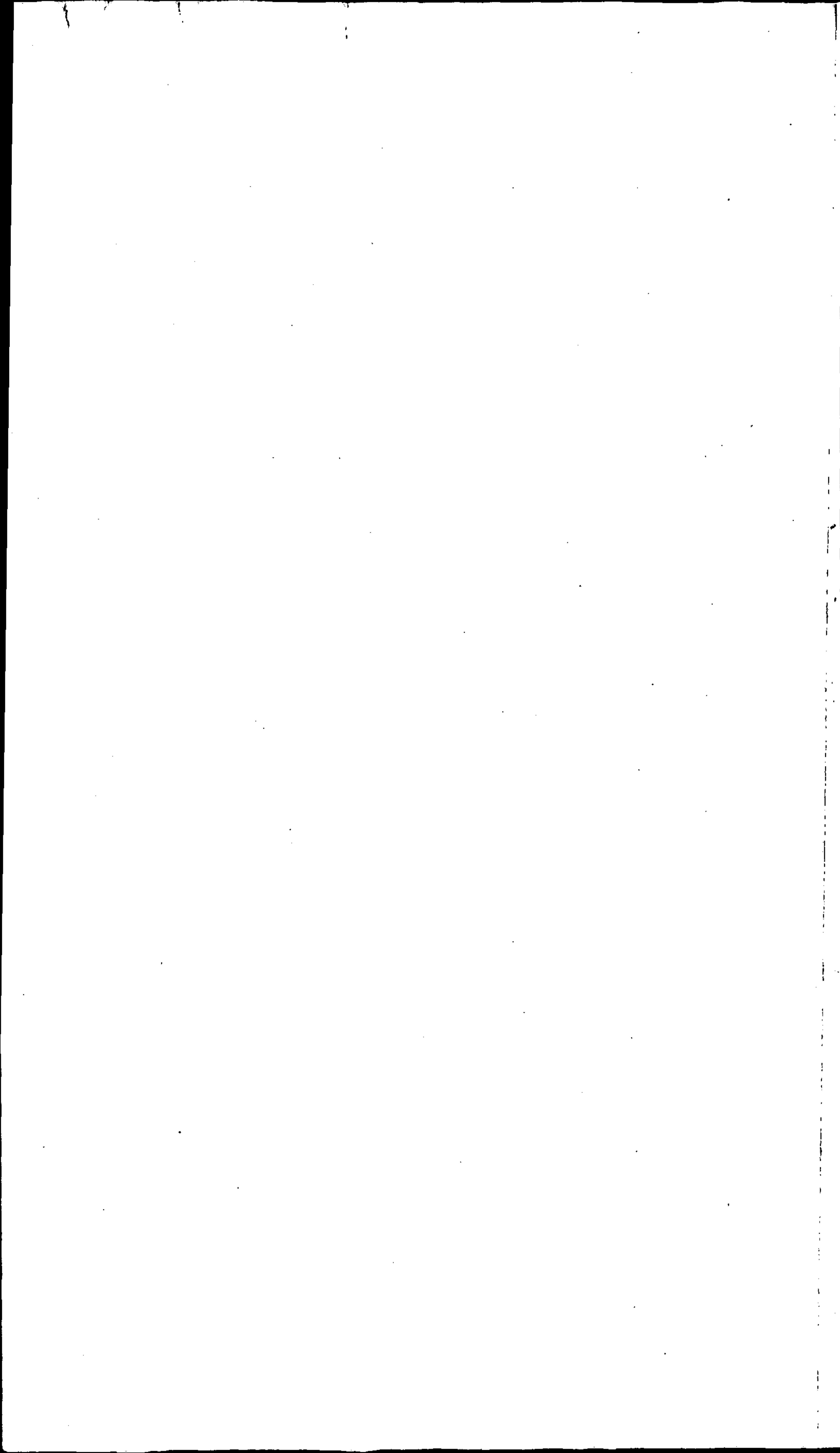
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CHAPTER 1

An Act for enabling the Arundel Estates settled by an Act of Parliament of the third year of the reign of King Charles the First to be disentailed and for other purposes connected with the said estates.

[31st July 1957.]

WHEREAS—

(1) By an Act of Parliament (in this Act referred to as “the Act of 1627”) made and passed in the session of Parliament which began in the third year of the reign of His late Majesty King Charles the First intituled “An Acte concerning the Title Name and Dignitie of Earle of Arundell and for the annexing of the Castle Honour Manor and Lordshipp of Arundell in the Countie of Sussex with the Titles and Dignities of the Baronies of Fitz-Allen Clun and Oswaldstre and Maltravers and with diverse other lands tenements and hereditaments hereafter in this Acte mentioned being now parcell of the possessions of Thomas Earle of Arundell and Surrey Earle Marshall of England to the same Title Name and Dignity of Earle of Arundell” it was (amongst other things) enacted that the title name and dignity of Earl of Arundel and the said castle honour and lordship of Arundel and the said baronies of Fitz-Allen Clun and Oswaldstree and Maltravers and divers hundreds manors lordships rectories forests parks lands meadows pastures messuages and other tenements and hereditaments therein more particularly described including the then existing capital messuage called Arundel House in the parish of Saint Clement Danes in the county of Middlesex should for ever by virtue of the Act of 1627 be and remain assured and limited to Thomas then Earl of Arundel and Surrey (in this Act referred to as “Thomas the ancestor”) and

the heirs male of his body and in default of such issue then to the heirs of the body of Thomas the ancestor and in default of such issue then to Lord William Howard (uncle of Thomas the ancestor and youngest son of Thomas Fourth Duke of Norfolk) and the heirs male of the body of the said Lord William Howard and in default of such issue then to the heirs of the body of the said Lord William Howard and in default of such issue to Thomas the ancestor and his heirs for ever and it was further enacted that after the death of Alatheia Countess of Arundel and Surrey wife of Thomas the ancestor no right of dower in the said Castle of Arundel and capital messuage called Arundel House or any part or parcel of them should come or accrue to any woman that should be the wife of any of those to whom the premises were limited by virtue of the Act of 1627:

(2) It was further enacted by the Act of 1627 that except as authorised by a power of leasing thereby conferred neither Thomas the ancestor nor any the heirs male or other heirs of his body nor any other person or persons to whom any estate of inheritance of or in the premises or any part thereof should thereafter come descend or accrue by force or means of the Act of 1627 should thereafter alien give grant bargain and sell or otherwise convey away the same or any part thereof or any other thing do which should be or might be to the disherison of the heirs inheritable by force of the Act of 1627 or whereby any of them should be barred or put from entry into the premises:

(3) The eldest son of Thomas the ancestor predeceased his father without ever having married and Henry Frederick Earl of Arundel and Surrey the second son of Thomas the ancestor succeeded on the death of Thomas the ancestor to the Earldom of Arundel and to the estates settled by the Act of 1627:

(4) The said Henry Frederick Earl of Arundel and Surrey was succeeded in the Earldom of Arundel by his eldest son Thomas Fifth Duke of Norfolk to whom the Dukedom of Norfolk was restored by an Act of Parliament passed in the twelfth year of the reign of His late Majesty King Charles the Second and confirmed by a further Act of Parliament passed in the thirteenth year of the same reign:

(5) On the death unmarried of the said Fifth Duke Henry First Lord Howard of Castle Rising (the second son of the said Henry Frederick Earl of Arundel and Surrey) succeeded to the Dukedom of Norfolk and to the said Earldom of Arundel and estates settled by the Act of 1627:

(6) The said capital messuage called Arundel House became decayed and ruinous and was demolished and in pursuance of certain powers contained in an Act of Parliament passed in the session held in the twenty-second and twenty-third years of the

reign of His late Majesty King Charles the Second intituled "An Act for building Arundel House and Tenements thereunto belonging" and in another Act of Parliament passed in the first year of the reign of Their late Majesties King William and Queen Mary intituled "An Act for building into Tenements the remaining part of Arundell Ground as now inclosed" divers messuages houses and tenements were erected upon the site of the said capital messuage and of the buildings gardens and grounds thereunto belonging:

(7) Under or by virtue of some of the Acts of Parliament mentioned in the First Schedule to this Act several parts of the estates settled by the Act of 1627 have been exchanged or sold and have thus been discharged from the limitations of the Act of 1627 and several other manors messuages lands and other hereditaments have become subject to the limitations thereof and on the first day of January nineteen hundred and fifty-seven the property constituting or representing the estates so settled consisted of the lands and hereditaments shortly described in Parts I II III and IV of the Second Schedule to this Act and the investments and cash specified in Part V of the Second Schedule to this Act:

(8) The Public Trustee is now the sole trustee of the settlement effected by the Act of 1627 for the purposes of the Settled Land Act 1925:

(9) On the first day of January nineteen hundred and fifty-seven the following persons and their issue hereinafter in this recital named appeared to be the only living male descendants of Thomas the ancestor tracing descent exclusively through his male issue and so capable of inheriting under the first limitation of the Act of 1627 namely that to the heirs male of the body of Thomas the ancestor and such of the said descendants as were then under the age of twenty-one years were born on the respective dates hereinafter in this recital specified:—

- (a) Bernard Marmaduke Sixteenth and present Duke of Norfolk;
- (b) Henry Edmund Second Viscount FitzAlan who is a first cousin of the present Duke;
- (c) Bernard Edward Third Baron Howard of Glossop who is a second cousin of the present Duke and has four sons namely:—
 - (i) Miles Francis Fitzalan-Howard who has one son namely:—

Edward William Fitzalan-Howard born on the second day of December nineteen hundred and fifty-six;

- (ii) Michael Fitzalan-Howard who has three sons namely:—
- (1) Thomas Michael Fitzalan-Howard born on the eleventh day of February nineteen hundred and fifty-two;
 - (2) Richard Andrew Fitzalan-Howard born on the fifteenth day of July nineteen hundred and fifty-three;
 - (3) Henry Julian Nicholas Fitzalan-Howard born on the seventh day of July nineteen hundred and fifty-four;
- (iii) Martin Fitzalan-Howard; and
- (iv) Mark Fitzalan-Howard;
- (d) Sir Algar Henry Stafford Howard whose grandfather Henry Howard of Greystoke Castle deceased was a first cousin of Henry Charles Thirteenth Duke of Norfolk great-grandfather of the present Duke;
- (e) Stafford. Vaughan Stepney Howard who is a half-brother of Sir Algar Henry Stafford Howard and has two sons namely:—
- (i) Nicholas Stafford Howard born on the twentieth day of July nineteen hundred and thirty-seven; and
 - (ii) Murray Bernard Cyprian Neville Howard born on the ninth day of December nineteen hundred and forty-two;
- (f) Thomas Henry Gavin Howard-Sneyd who was born on the fifteenth day of October nineteen hundred and forty and is a great-grandson of the said Henry Howard of Greystoke Castle;
- (g) Francis Philip Second Baron Howard of Penrith who is another grandson of the said Henry Howard of Greystoke Castle and has four sons namely:—
- (i) Philip Esme Howard born on the first day of May nineteen hundred and forty-five;
 - (ii) Michael Edmund Howard born on the nineteenth day of April nineteen hundred and forty-seven;
 - (iii) David Francis Howard born on the twenty-ninth day of May nineteen hundred and forty-nine; and
 - (iv) William John Howard born on the thirtieth day of May nineteen hundred and fifty-three;
- (h) Hubert John Edward Dominic Howard who is a brother of the said Second Baron Howard of Penrith;

(i) Edmund Bernard Carlo Howard who is another brother of the said Second Baron Howard of Penrith and has three sons namely:—

(i) Esme Francis Howard born on the twenty-ninth day of August nineteen hundred and thirty-eight;

(ii) John Howard born on the second day of June nineteen hundred and forty; and

(iii) Anthony Richard Howard born on the thirtieth day of May nineteen hundred and forty-seven; and

(j) Henry Anthony Camillo Howard who is another brother of the said Second Baron Howard of Penrith:

(10) By a disclaimer dated the thirtieth day of December nineteen hundred and fifty-four under his hand and seal the said Bernard Edward Third Baron Howard of Glossop absolutely renounced and disclaimed his reversionary interest in the estates settled by the Act of 1627 or if such interest should be incapable of renunciation or disclaimer assigned and surrendered the same to the person from time to time next entitled to the possession of the said estates under the limitations of the Act of 1627 after the failure or determination of his said interest:

(11) The present Duke who is now tenant in tail male in possession under the said first limitation of the Act of 1627 was born on the thirtieth day of May nineteen hundred and eight and has at present no son and on the first day of January nineteen hundred and fifty-seven the living descendants of Thomas the ancestor named in paragraph (9) of this preamble (other than the present Duke) appeared subject to the effect of the recited disclaimer of his interest by the said Bernard Edward Third Baron Howard of Glossop to be presumptively entitled to succeed under the said limitation after the death of the present Duke in the order in which their names appear in the said paragraph (9):

(12) A widow of a tenant in tail male in possession under the said first limitation of the Act of 1627 may if married to such tenant before the first day of January nineteen hundred and twenty-six be entitled to dower out of part of the estates settled by the Act of 1627 but there is no widow now living of any such tenant now deceased and the only persons who might become entitled to such dower are—

(a) Mona Josephine Tempest Eleventh Baroness Beaumont the wife of the said Bernard Edward Third Baron Howard of Glossop whose marriage was solemnised on the fifth day of September nineteen hundred and fourteen; and

(b) Dame Violet Ethel Howard the wife of the said Sir Algar Henry Stafford Howard whose marriage was solemnised on the eleventh day of October nineteen hundred and twenty-one:

(13) It is expedient that the restrictions contained in the Act of 1627 preventing alienation of or barring of the entail affecting the parliamentary estate should be removed:

(14) The objects of this Act cannot be attained without the authority of Parliament:

Therefore Your Majesty's most dutiful and loyal subject Bernard Marmaduke Sixteenth Duke of Norfolk does most humbly beseech Your Majesty that it may be enacted and be 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 (that is to say):—

Short title

1. This Act may be cited as the Arundel Estate Act 1957.

Definitions

2. In this Act and in the schedules thereto unless the context otherwise requires the following expressions have the meanings hereby assigned to them respectively (that is to say):—

“ the Act of 1627 ” means the recited Act of the third year of the reign of King Charles the First;

“ the intermediate Acts ” means the Acts of Parliament specified in the First Schedule to this Act;

“ Thomas the ancestor ” means Thomas Earl of Arundel and Surrey named in the Act of 1627;

“ the present Duke ” means Bernard Marmaduke Sixteenth Duke of Norfolk;

“ the parliamentary estate ” means the property for the time being subject to the limitations of the settlement made by the Act of 1627;

“ plan A ” “ plan B ” and “ plan C ” mean the plans marked A B and C respectively each signed in triplicate by the Right Honourable The Earl of Drogheda Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and of each of which—

(a) one copy has been deposited in the office of the Clerk of the Parliaments House of Lords;

(b) one copy has been deposited in the Private Bill Office of the House of Commons; and

(c) one copy has been retained by the present Duke.

3. Notwithstanding anything contained in the Act of 1627 or in the intermediate Acts or any of them or in section 18 of the Fines and Recoveries Act 1833 or in section 176 of the Law of Property Act 1925 the entailed interests in the parliamentary estate existing under the limitations of the Act of 1627 shall be capable of being barred by the same means and in the same manner and with the same result as if the parliamentary estate had by the Act of 1627 been limited without any provision against alienation or against disinheriting barring or putting from entry the heirs inheriting by virtue of that Act.

Restraint on alienation removed from parliamentary estate.

4.—(1) The Public Trustee or other the trustees or trustee for the time being for the purposes of the Settled Land Act 1925 of the settlement of the parliamentary estate shall out of capital moneys comprised in the parliamentary estate remaining after the commencement of this Act subject to that settlement or by sale of a sufficient part of the investments representing such capital moneys or by mortgage with the concurrence of the estate owner of any land forming part of the parliamentary estate so remaining or by such other means as may be reasonable for such purpose pay and defray the costs charges and expenses incurred preparatory to and in applying for and obtaining this Act and incidental thereto and of carrying this Act into effect.

Raising of capital moneys from parliamentary estate and payment thereof of costs.

(2) If and whenever it shall be desired to raise the whole or any part of the sum to be raised for the purposes of this section by mortgage of any land the estate owner for the time being of such land shall have power to execute all such deeds and do all such things as may be necessary or proper for the purpose of effecting any such mortgage.

5. Nothing in this Act contained shall prejudice or affect—

(a) the title name and dignity of Earl of Arundel which title name and dignity shall continue to devolve under the limitations of the Act of 1627 whether or not the castle honour and lordship of Arundel or any other property by the Act of 1627 expressed to be annexed to the said title name and dignity of Earl of Arundel continue or continues to be so annexed; or

(b) the honour manor and lordship of Arundel.

Act not to affect title to earldom.

6. Saving always to the Queen's most Excellent Majesty Her heirs and successors and to all persons and bodies politic and corporate and their respective heirs successors executors and administrators (other than and except the several persons by this Act expressly excepted from the general saving) all such estates right title interest claim and demand whatsoever in or to or out of the parliamentary estate as they or any of them had before the passing of this Act or could or might have enjoyed if this Act had not been passed.

General saving.

Exception
from general
saving.

7. The following are the several persons expressly excepted by this Act from the general saving aforesaid that is to say:—

- (1) the present Duke;
- (2) the said Henry Edmund Second Viscount FitzAlan;
- (3) the said Bernard Edward Third Baron Howard of Glossop;
- (4) the said Mona Josephine Tempest Eleventh Baroness Beaumont;
- (5) the said Miles Francis Fitzalan-Howard;
- (6) the son of the said Miles Francis Fitzalan-Howard namely Edward William Fitzalan-Howard;
- (7) the said Michael Fitzalan-Howard ;
- (8) the sons of the said Michael Fitzalan-Howard namely Thomas Michael Fitzalan-Howard Richard Andrew Fitzalan-Howard and Henry Julian Nicholas Fitzalan-Howard ;
- (9) the said Martin Fitzalan-Howard;
- (10) the said Mark Fitzalan-Howard;
- (11) the said Sir Algar Henry Stafford Howard and the said Dame Violet Ethel Howard his wife;
- (12) the said Stafford Vaughan Stepney Howard;
- (13) the sons of the said Stafford Vaughan Stepney Howard namely Nicholas Stafford Howard and Murray Bernard Cyprian Neville Howard;
- (14) the said Thomas Henry Gavin Howard-Sneyd;
- (15) the said Francis Philip Second Baron Howard of Penrith;
- (16) the sons of the said Francis Philip Second Baron Howard of Penrith namely Philip Esme Howard Michael Edmund Howard David Francis Howard and William John Howard;
- (17) the said Hubert John Edward Dominic Howard;
- (18) the said Edmund Bernard Carlo Howard;
- (19) the sons of the said Edmund Bernard Carlo Howard namely Esme Francis Howard John Howard and Anthony Richard Howard;
- (20) the said Henry Anthony Camillo Howard;
- (21) the son or sons hereafter born of the present Duke;
- (22) all and every the other persons and person claiming or to claim under or by virtue of the Act of 1627; and
- (23) the Public Trustee the present trustee for the purposes of the Settled Land Act 1925 of the settlement effected by the Act of 1627 and other the trustees of that settlement for the said purposes.

8. This Act shall not be a public Act but shall be printed Act not
by the several printers to the Queen's most Excellent Majesty public but to
duly authorised to print the statutes of the United Kingdom and be evidence.
a copy thereof so printed by any of them shall be admitted as
evidence thereof by all judges justices and others.

SCHEDULES

FIRST SCHEDULE

PARTICULARS OF THE INTERMEDIATE ACTS

22 & 23 Charles 2 c. 19 ...	An Act for building Arundel House and Tenements thereunto belonging.
1 Will. & Mary c. 10 ...	An Act for building into Tenements the remaining part of Arundell Ground as now inclosed.
10 Geo. 1 c. 8 ...	An Act to enable Thomas Duke of Norfolk to make Leases for Sixty Years of the Houses and Ground in Arundell Street Norfolk Street Howard Street Surrey Street and other his Tenements and Estate in the parish of St. Clement Danes in the County of Middlesex.
23 Geo. 3 c. 29 ...	An Act to Enable Charles Duke of Norfolk and others to grant Building or Repairing Leases of certain Tenements Houses and Grounds in the Parish of St. Clement Danes in the County of Middlesex and in or near the Town of Arundel in the County of Sussex.
30 Geo. 3 c. 36 ...	An Act for Vesting Part of the settled Estates of the Most Noble Charles Duke of Norfolk in the county of Sussex in him the said Duke in Fee; and for settling other Estates of the said Duke in the same County of equal or greater Value in lieu thereof.
36 & 37 Geo. 3 c. 39 ...	An Act to Enable the Trustees therein named to make Exchange of certain Estates comprised in the Act of the Third of Charles the First for entailing the Castle and Manor of Arundel in the County of Sussex and certain other Estates in the said Act mentioned.
36 & 37 Geo. 3 c. 40 ...	An Act for The Franchisement of Copyhold and Customary Lands, Parcel of the Manor of Arundel and other Manors entailed by the Act of Parliament of the 3d. of Charles the First and for the Sale of Tithes also entailed by the said Act.
39 Geo. 3 c. 84 ...	An Act for dividing allotting and enclosing the Open and Common Fields Meadows Pastures Commons and Waste Lands within the Parishes of Houghton and South Stoke in the county of Sussex.

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41 Geo. 3 c. 15	An Act for enlarging the Powers or Authorities given by an Act passed in the Thirty-seventh Year of the Reign of His present Majesty intituled, An Act for the Enfranchisement of Copyhold and Customary Lands, Parcel of the Manor of Arundel, and other Manors, entailed by the Act of Parliament of the Third of Charles the First, and for the Sale of Tythes, also entailed by the said Act in order to facilitate the Sale of the Tythes therein mentioned.	1ST SCH —cont.
45 Geo. 3 c. 42	An Act for Vesting a Farm and Hereditaments in the Parish of Petworth in the County of Sussex and in the Parish of Ealing in the County of Southampton (Parcel of the Estates entailed with the Castle and Manor of Arundel by the Act of Parliament made in the Third Year of the Reign of King Charles the First), in Trustees upon Trust to sell, and for laying out the Monies in the Purchase of a more convenient Estate.	
49 Geo. 3 c. 174	An Act for extending and enlarging the Powers or Authorities given by an Act passed in the Thirty-seventh year of the Reign of His present Majesty intituled, An Act for the Enfranchisement of Copyhold and Customary Lands, Parcel of the Manor of Arundel, and other Manors, entailed by the Act of Parliament of the Third of Charles the First, and for the Sale of Tythes, also entailed by the said Act.	
49 Geo. 3 c. 72	An Act for enclosing Lands in the Vill, Hamlet, or Parish of Warningcamp in the County of Sussex.	
6 Geo. 4 c. 57	An Act for vesting the Manor Rectory and Isle of Hayling in the County of Southampton, Part of the Settled Estates of the Duke of Norfolk, in William Padwick the younger, Esq., his Heirs and Assigns, and for applying the Money thence arising in the Purchase of other Estates, to be settled to the same Uses, and for other Purposes.	
9 & 10 Vict. c. 37	...	An Act to enable the Most Noble Henry Charles Duke of Norfolk, and other the Owner for the Time being of Arundel Castle and the Estates settled therewith, to grant Leases of Parts thereof; and for other the Purposes therein mentioned.	
25 & 26 Vict. c. 93	...	An Act for embanking the North Side of the River Thames from Westminster Bridge to Blackfriars Bridge, and for making new Streets in and near thereto.	

1ST SCH. —cont.	26 & 27 Vict. c. 7	...	An Act for the better Management of the Estates annexed to the Earldom of Arundel, and for the Sale of certain Parts of the same Estates, and for other Purposes, the Short Title whereof is “The Arundel Estate Act, 1863.”
	42 & 43 Vict. c. 8	...	An Act for enlarging the leasing powers relating to the Estates annexed to the Earldom of Arundel, and for effecting an exchange of parts of the same Estates, and for authorising exchanges and sales of other parts of the same Estates; and for other purposes.

SECOND SCHEDULE

PARTICULARS OF THE PARLIAMENTARY ESTATE

PART I

The Castle known as Arundel Castle in the county of Sussex and the lands (including lands covered with water) adjoining or near thereto all of which premises are delineated on plan A and thereon edged red.

PART II

The lands tenements and hereditaments situate in the city of Westminster which are delineated on plan B and thereon edged red.

PART III

The lands tenements and hereditaments situate in or near the county of Sussex the outline of which is delineated on plan C and thereon coloured red.

PART IV

Divers manors lordships liberties franchises rectories and advowsons in the counties of Sussex Middlesex Surrey and Southampton and all other (if any) the lands tenements and hereditaments forming part of the parliamentary estate.

PART V

£52,658 18s. 3d.	British Transport 3 per cent. Guaranteed Stock 1978/88.
£113 15s. 0d.	Tithe Redemption 3 per cent. Stock 1986/96.
£6,146 1s. 11d.	Cash representing capital moneys.

*Table of Statutes referred to in this Act other than those
included in the First Schedule*

Title or short title	Session and chapter
“ An Act concerning the Title Name and Dignitie of Earle of Arundell and for the annexing of the Castle Honour Manor and Lordshipp of Arundell in the Countie of Sussex with the Titles and Dignities of the Baronies of Fitz-Allen Clun and Oswaldstre and Maltravers and with diverse other lands tenements and hereditaments hereafter in this Act mentioned being now parcell of the possessions of Thomas Earle of Arundell and Surrey Earle Marshall of England to the same Title Name and Dignity of Earle of Arundell ”	3 Charles 1 c. 4.
“ An Act for restitution of Thomas Earle of Arundell Surrey and Norfolk to the dignity and title of Duke of Norfolkke ”	12 Charles 2 c. 2.
“ An Act for confirming an Act for restitution of Thomas Earle of Arundell Surry and Norfolk to the Dignity and Title of Duke of Norfolkke ”	13 Charles 2 Stat. 2 c. 4.
Fines and Recoveries Act 1833 	3 & 4 Will. 4 c. 74..
Law of Property Act 1925 	15 Geo. 5 c. 20.
Settled Land Act 1925 	15 & 16 Geo. 5 c. 18.

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