



Duchy of Cornwall Act 1844

1844 CHAPTER 65

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

And whereas Cases may occur in which it may be desirable that Rents, or Manorial, Forestal, or other Rights, hereby authorized to be sold, should be purchased, in order that the same may become extinguished, or that Copyhold or Customary Hereditaments hereby authorized to be enfranchised should be enfranchised; but by reason of the Hereditaments subject to such Rents, Manorial, Forestal, or other Rights, or such Copyhold or Customary Tenements, not being vested in any Person for an Estate of Fee Simple, or an absolute Estate of Inheritance in possession, or by reason of some Incapacity in the Owner thereof, special Provisions may be expedient for facilitating such Purchases or Enfranchisements ; be it therefore enacted, That it shall be lawful for any Tenant for Life or Lives, Tenant in Tail, or Tenant for any determinable Fee or determinable Estate of Inheritance, of any Hereditaments upon which any Rent hereby authorized to be sold may be charged, or which may be subject to any Manorial, Forestal, or other Rights hereby authorized to be sold, or of any Copyhold or Customary Tenements hereby authorized to be enfranchised, and for the Committee of any Lunatic, the Guardian of any Infant, or the Trustee for any Feme Covert or other Person under any Incapacity, or the Husband of any Feme Covert, which Lunatic, Infant, Feme Covert, or other incapacitated Person shall be Owner of or beneficially interested in any such Hereditaments as aforesaid, for Life, in Tail, or in Fee, or for an Estate of Inheritance, either absolute or determinable, by any Deed or Instrument in Writing to raise any Sum of Money for the Purpose of purchasing such Rent, or Manorial, Forestal, or other Rights, or the Enfranchisement of such Copyhold or Customary Tenements, and paying the Expences attending such Purchase or Enfranchisement, by Mortgage of the said Hereditaments, either in Fee Simple or for any Term of Years, or otherwise, or by Sale of a sufficient Part thereof, or otherwise to charge and incumber the same with such Sum, and the Interest thereof, in such Manner as he shall think proper; and every such Mortgage, Sale, Charge, and Incumbrance shall be good and valid in the Law against all Tenants in remainder or reversion, and all other Persons interested in or entitled to the Premises so sold, mortgaged, charged, or incumbered, and all other Persons entitled to or claiming any Debt, Charge, or Incumbrance affecting the Premises so sold, mortgaged, charged,

Status: This is the original version (as it was originally enacted).

or incumbered; and such Mortgages, Charges, and Incumbrances shall have Priority over all other Debts, Charges, and Incumbrances on the same Premises : Provided nevertheless, that if such Purchase Money shall exceed the Sum of Two hundred Pounds the same shall not be so raised without the Sanction of the said Court of Chancery, which Sanction the said Court is hereby authorized to grant upon Petition in a summary Way, or otherwise, as to the same Court shall seem fit.