

CAP. XXIX.

An act to enable lords of manors more easily to recover their fines, and to exempt infants and femmes covert from forfeitures of their copyhold estates in particular cases.

I. **W**HEREAS some doubts have arisen in the law concerning the power of lords of manors in that part of Great Britain called England, and the dominion of Wales, to seize the copyhold lands, tenements and hereditaments, parcel of their manors, on the neglect or refusal of persons to come in, and be admitted tenants of the same: therefore for ascertaining the law, and providing a reasonable and proper remedy for the lords of manors to compel the admission of their tenants; be it enacted by the King'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, That where any person or persons, being under the age of one and twenty years, or feme or femmes covert, shall from and after the twenty fourth day of June one thousand seven hundred and twenty three, be entitled, by descent or surrender to the use of a last will, to be admitted tenant or tenants of any copyhold messuages, lands, tenements or hereditaments, within that part of Great Britain called England, or the dominion of Wales, they the said infants or femmes covert, not having been admitted there- Feme coverta and infants may be admitted to copyhold estates by their attorney or guardian, to, and not having paid their fines, every such infant or feme covert, in their proper persons, or such feme covert by her attorney, or such infant by his or her guardian or guardians, if he or she shall have any such; and in case he or she shall have no guardian or guardians, then by his or her attorney or attorneys (for which purpose such infants and femmes covert shall be and are hereby impowered, by writing under his or her hand and seal respectively, to appoint an attorney or attorneys on his or her behalf) shall come to, and appear at, one of the three next courts, which shall be kept (for the keeping whereof the usual notice shall be given) for such manor or manors, whereof such messuages, lands, tenements or hereditaments, shall be parcel, and shall there tender and offer themselves to the lord, or his steward of such courts, to be admitted tenants to all and every the said messuages, lands, tenements and hereditaments so surrendered, descended or come to, or to the use of every such infant or feme covert; to make which appearance, and to take such admittance in behalf of such infant or feme covert, such guardian and attorney shall be, and they are hereby respectively authorized and required: and in default of the appearance of such infants or femmes covert, in their own persons, or by their guardians or attorneys in that behalf, and of acceptance of such admittance as aforesaid, it shall and may be lawful to and for the lord or lords of every such manor and manors, or his and their steward and stewards of the courts thereof, after such three several courts have been duly holden for such manor or manors, and proclamations in such several courts been regularly made,

In default of
their appear-
ance the lord
may appoint a
guardian, &c.

to nominate and appoint at any subsequent court or courts, to be holden for such manor or manors, any fit person to be guardian or attorney for every such infant or feme covert for that purpose only, and by such guardian or attorney, to admit every such infant or feme covert to all and every the said messuages, lands, tenements and hereditaments, according to such estates as such infants or femes covert shall be legally entitled to therein; and upon every such admittance, to impose and set such fine and fines, as might have been legally imposed and set, if such infant so admitted had been of full age, or if such feme covert had been sole and unmarried.

Fines of feme
coverts, &c.
in what man-
ner demand-
able.

II. And be it further enacted by the authority aforesaid, That upon every such admittance or admittances of any infant or feme covert as aforesaid, the fine or fines imposed and set thereupon, shall and may be demanded by the bailiff or agent of the lord or lords of such manors, by a note in writing signed by the lord of such manor, or by his steward, to be left with such infant or feme covert, or with the guardian of such infant, or husband of such feme covert, or with the tenant or occupier of the messuages, lands or tenements, to which such infant or feme covert was admitted; and that if in such case the said fine or fines so imposed and set, be not paid or tendred to such lord or lords, or to his or their steward or stewards, within three months after such demand made, that then it shall and may be lawful to and for the lord or lords of such manor or manors, where such admittance or admittances are had, to enter into and upon all and every the copyhold messuages, lands, tenements and hereditaments, to which any such infant or feme covert shall be so admitted, and to hold and enjoy the same, and to receive the rents, issues and profits thereof, but without liberty to sell any timber standing thereon, for so long time only and until by such rents, issues and profits, such lord or lords, shall be fully paid and satisfied such fine and fines, together with all reasonable and necessary costs and charges, which such lord or lords shall have been put unto in levying and raising the same, and in obtaining the possession of such copyhold messuages, lands, tenements and hereditaments, although such infant or feme covert shall happen to die before such fine and fines, and the costs and charges aforesaid, shall be raised and collected; of all which rents, issues and profits, so to be received by such lord or lords of such manor or manors, or his or their stewards, bailiffs or servants, upon the occasion aforesaid, such lord or lords of such manor or manors, shall yearly and every year, upon demand to be made by such person or persons, who shall be entitled to the surplus of the rents and profits, over and above what will pay and satisfy such fine and costs and charges, so received as aforesaid, or by such person or persons, as shall be then entitled to such copyhold estate, give and render a just and true account, and shall pay the said surplus rents, issues and profits, if any, to such person and persons, as shall be respectively intitled to the same.

If not paid,
&c. the lord
may enter and
receive the
profits of the
copyhold till
he is satisfied,
&c.

The lord to
account year-
ly.

III. And it is hereby further enacted by the authority aforesaid, That as soon as such fine or fines, and the costs, charges and expences aforesaid, shall be fully paid and satisfied, or if after such seizure of, and entry upon such copyhold lands, tenements or hereditaments, for the purposes aforesaid, such fine or fines, and the costs and charges aforesaid, shall be lawfully tendred and offered to be paid and satisfied to the lord or lords of such manor or manors, that then in any of the said cases, it shall and may be lawful to and for such infant or feme covert, or other person entitled thereto, to enter upon, and take possession of, and hold the said copyhold premises, according to such estate or interest, as he or she shall be lawfully entitled to therein, and the lord and lords of such manor or manors shall, and is and are hereby required, in any of the said cases to deliver possession thereof accordingly; and if such lord or lords of such manor, after such fine or fines, and the costs and charges aforesaid shall be fully paid and satisfied, or after the same shall have been tendred or offered to be paid as aforesaid, shall refuse to deliver the possession of the said copyhold premises as aforesaid, he or they shall be liable to, and shall make satisfaction to the person or persons so kept out of possession, for all the damages that he or she shall thereby sustain, and all the costs and charges that he or she shall be put unto for recovery thereof.

And shall deliver up possession on satisfaction of the fines.

IV. And be it further enacted by the authority aforesaid, That where any infant or feme covert shall be admitted to any copyhold messuages, lands, tenements or hereditaments, if the guardian of such infant, or husband of such feme covert, shall pay to the lord or lords of any manor or manors, the fine or fines legally imposed and set upon such admittance or admittances, and the costs and charges which such lord of such manors shall have been put unto as aforesaid, that then it shall and may be lawful to and for every guardian of such infant, or husband of such feme covert, their executors and administrators, to enter into, and to hold and enjoy all and every the said copyhold messuages, lands, tenements and hereditaments, to which such infant or feme covert shall be so admitted, and the rents, issues and profits thereof to receive and take to his and their own use, until thereby such guardian of such infant, or husband of such feme covert, their executors and administrators, shall be fully satisfied and paid all and every such sum and sums of money, as they shall respectively pay and disburse upon the account aforesaid, notwithstanding the death or deaths of such infants or femes covert shall happen before such sum or sums of money so expended shall or may be so raised and reimbursed.

Guardians or husbands paying fines, may reimburse themselves out of the rents of the copyhold.

V. Provided always, and be it enacted by the authority aforesaid, That from and after the aforesaid twenty fourth day of June one thousand seven hundred and twenty three, no infant or feme covert shall forfeit any copyhold messuages, lands, tenements or hereditaments, within that part of *Great Britain* called *England*, and the dominion of *Wales*, for their neglect

No forfeiture to be incurred by feme coverts, &c. for not appearing, or refusing to pay fines.

or refusal to come to any court or courts to be kept for any manor or manors, whereof such messuages, lands, tenements or hereditaments are parcel, and to be admitted thereto, nor for the omission, denial or refusal of any such infant or feme covert, to pay any fine or fines, imposed or set upon their or any of their admittances to any such copyhold messuages, lands, tenements or hereditaments; any law, usage or custom to the contrary thereof notwithstanding.

Fines not warranted by custom, &c. may be controverted.

VI. Provided nevertheless, That if the said fine or fines, imposed in any of the cases before-mentioned, shall not be warranted by the custom of the manor, or shall be unlawful, that then such infant or feme covert shall be at liberty to controvert the legality of such fine or fines, in such manner as he or she might have done, if this act had never been made; any thing herein contained to the contrary notwithstanding.

C A P. XXX.

An act for compleating the repairs of the harbour of Dover, in the county of Kent; and for restoring the harbour of Rye, in the county of Sussex, to its antient goodness.

This act is made more effectual by 10 Geo. 1. c. 7.

11 and 12 W. 3. c. 5.

2 Ann. c. 7.

4 Geo. 1. c. 13.

I. **W**HEREAS the repairing and keeping clean the harbours of this kingdom is of great use and benefit to trade and navigation: And whereas, for repairing the harbour of Dover, in the county of Kent, an act was made in the eleventh and twelfth years of the reign of his late majesty King William the third, of glorious memory, intituled, an act for the repair of Dover harbour, whereby a duty of three pence per tun was laid upon all such ships and vessels as are therein described, for raising the sum of thirty thousand and one hundred pounds; which said duty was to commence from the first day of May in the year of our Lord one thousand seven hundred, and to continue to the first day of May in the year of our Lord one thousand seven hundred and nine: and whereas the said act was, by another act made in the second year of the reign of her late majesty Queen Anne, continued from the thirtieth day of April one thousand seven hundred and nine, until the first day of May one thousand seven hundred and eighteen: and the said two acts are, by another act made in the fourth year of his present Majesty's reign, further continued from the said first day of May one thousand seven hundred and eighteen, until the first day of May one thousand seven hundred and twenty-seven: and whereas it is found, that the said sum of thirty thousand and one hundred pounds is not sufficient for the purposes of the said acts (several breaches, and other unforeseen accidents, having happened by storms, and the rage of the sea, and extraordinary works having been found necessary to be done for securing the said harbour) so that, unless a further sum be raised, the said harbour cannot be effectually repaired and secured, according to the intent of the said acts, but the useful works, already begun and carried on for the benefit of the publick, will be wholly lost, and the said harbour again fall to decay, and the town itself be in danger of being utterly lost and destroyed: and whereas the ancient harbour of Rye in the coun-