



ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

C A P. XXVI.

An Act to alter and amend the Law relating to Ecclesiastical Houses of Residence.

[31st *May* 1842.]

WHEREAS it is expedient to alter and amend the Law relating to Ecclesiastical Houses of Residence: 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, That whenever it shall appear to be expedient to relieve any Bishop having more Episcopal Houses of Residence than One from any of such Houses, or to provide any Bishop with a more convenient House of Residence, or to add to, alter, improve, or take down and rebuild any Episcopal House of Residence, or to improve the Demesnes thereof, it shall be lawful, by the Authority provided in an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage,* with

Episcopal House may in certain Cases be taken down and sold, or may be rebuilt or altered.

6 & 7 W. 4. c. 77.

the Consent under the Hand and Episcopal Seal of the Bishop, to make such Arrangements as may by such Authority be deemed most expedient, for selling and conveying, to such Person or Body Corporate, and for such Consideration as may be approved by the like Authority, any Episcopal House of Residence then belonging to the See of such Bishop, or for taking down the same or any Part thereof, and selling the Site or the Materials thereof (as the Circumstances may render expedient), or for adding to, altering, improving, or taking down and rebuilding any Episcopal House of Residence, or for improving the Demesnes adjoining to any such House by the Purchase of any Land, Tenement, or Hereditament in the immediate Neighbourhood or within the View thereof, or for building a new Episcopal House of Residence for any See on any Site to be approved by the like Authority, and for applying the Proceeds of any such Sale as aforesaid, or any Part thereof, to any of such Purposes, or to any such other Purposes, and in such Manner as shall appear to be most conducive to the permanent Benefit of the See ; and that so much of the said Act as relates to the providing of any Bishop with a more suitable and convenient Residence shall be extended so as to include and apply to any of the Purposes of this Act.

Provisions of 6 & 7 W. 4. c. 77. § 1. made applicable thereto.

Commissioners to state their Reasons for the Alteration.

II. Provided always, and be it enacted, That in any Scheme which shall be laid before Her Majesty in Council by the Ecclesiastical Commissioners for *England* under this Act, recommending any Arrangement for taking down or selling any Episcopal Residence, or changing the Site thereof, the said Commissioners shall set forth particularly the Grounds and Reasons upon which they deem it expedient to offer such Recommendation.

Repeal of 2 & 3 Vict. c. 18. except as to subsisting Mortgages.

III. And be it enacted, That an Act passed in the Session of Parliament held in the Second and Third Years of Her Majesty's Reign, intituled *An Act to enable Archbishops and Bishops to raise Money on Mortgage of their Sees, for the Purpose of building and otherwise providing fit Houses for their Residence*, shall be repealed ; provided that nothing herein contained shall affect any subsisting Mortgage made under the Provisions thereof, but that every such Mortgage, and all Proceedings completed and in progress in respect thereof, shall be as valid and effectual, and all the Parties to such Mortgage or to any such Proceeding shall continue subject to the same Conditions and Provisions as if the said Act had not been repealed.

Deficiency in Bishop's Income may be supplied.

IV. And be it enacted, That in case such a Deficiency shall have been or would be created in the average annual Income of any Bishop appointed after the passing of the said first-recited Act, by the effecting of any Mortgage or other Arrangement under either of the said Acts or this Act, as to reduce it below the average annual Income of such Bishop named in the first-recited Act, or in any Order of Her Majesty in Council issued under the Provisions thereof, it shall be lawful, by the Authority aforesaid, out of any Monies from Time to Time standing to the Credit and Account of the Ecclesiastical Commissioners for *England*, being Part of Payments from the larger Sees respectively towards the Augmentation of the Incomes of the Bishops of the smaller Sees, if it shall be deemed fit, and if such

such Monies, after duly considering all the Claims thereon, shall appear to be sufficient for such Purpose, to make any Arrangement for supplying or preventing such Deficiency or any Part thereof which by the like Authority shall be deemed expedient.

V. And be it enacted, That it shall be lawful for the Dean and Chapter, or for the Dean, or for any Canon of any Cathedral Church, under the Authority aforesaid, to purchase any Episcopal House of Residence sold under the Provisions of this Act, or the Site of any such House, or any other House or Site, being contiguous or near to such Cathedral Church, or any Part of such House or Site, and to add to, alter, or improve any such House, or to take down the same, and to build another House or more Houses than One upon the Site thereof, or to apply the Site of any such House, or any Part thereof, by and with the Authority aforesaid, to the Improvement of the Cathedral or the Precincts thereof; and that so much of an Act passed in the Session of Parliament held in the Third and Fourth Years of Her Majesty's Reign, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, as relates to the raising of Monies by any Dean or Canon for the Purpose of building, enlarging, or otherwise improving the Residence House of his Deanery or Canonry, shall be extended so as to make lawful the raising of Monies, in the Manner and with the Authority therein provided, by any Dean and Chapter, Dean or Canon, for any Purpose of this Act.

Chapters, Deans, and Canons may purchase, and alter; take down, or rebuild.

Provisions of 3 & 4 Vict. c. 113. § 59. made applicable thereto.

VI. And be it enacted, That any House so purchased by the Dean and Chapter, Dean or Canon of any Cathedral Church, or any House erected upon any Site so purchased, may by the Authority aforesaid, and with the Consent of the Dean and Chapter, be made the Deanery, or the House of Residence for any Canon of such Church; and the House theretofore occupied as the Deanery, or any House no longer required as the House of Residence of any Canon, may be so applied or disposed of as may by the same Authority and with the like Consent be determined on.

Episcopal House may be made the Deanery or a Canonical House.

VII. And be it declared and enacted, That the Provisions of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of Her Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for England*, respecting the Disposal of Houses no longer required by any Canon, do and shall apply to all such Houses, whether there may have been any Exchange of such Houses or not.

Provisions of 4 & 5 Vict. c. 39. § 18. respecting Disposal of Canonical Houses, to apply to all such Houses.

VIII. And be it declared and enacted, That the Provisions of the thirdly-recited Act, relating to the Sale and Application of any Sum of Money invested in Trust for any Ecclesiastical Body Corporate, do and shall include and apply to all Monies and Securities for Money, and to all Stock in the Government Funds or elsewhere, standing in the Name of the Accountant General of the Court of Chancery, or in the Name or Names of any other public Officer, or of any Individual or Individuals, for or to the Credit or for the Benefit of or

Defining other Provisions of 3 & 4 Vict. c. 113. § 68. and extending them to this Act.

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in Trust for any Bishop, Dean, and Chapter, Dean or Canon, whether for the Purpose of being laid out in Land or otherwise; and that the same Provisions, and also the Provisions of the same Act relating to the Sale, Transfer, or Exchange of any Lands or other Hereditaments belonging to any Bishop or Chapter, shall extend and may be applied to any of the Purposes of this Act.

Certain Fixtures and Articles of Furniture in any House sold or taken down may be sold or removed to another House.

IX. And be it enacted, That whenever any House of Residence to be sold or taken down as aforesaid shall contain any Pictures, Books, or other Goods and Chattels belonging to the Owner of such House in right of his Dignity, and not in his private Capacity, Directions shall be given by the Authority aforesaid for the Sale of such Fixtures and Articles of Furniture as shall be deemed to be unfit for Removal to the new or other House of Residence, and for the Application of the Money arising from such Sale to Purposes consistent, as nearly as may be, with the Source from whence the Money shall have arisen, and also for the Removal to such new or other House of Residence of all such Pictures and Books, and of all such other Fixtures, Goods, and Chattels, as shall be deemed to be fit for Removal thereto, and for the Deposit and Care of them thereat, in conformity, as nearly as may be, with the Uses to which they were previously applicable respectively.

Certain Articles to be deemed Freehold Fixtures.

X. And be it enacted, That in every Case of a House of Residence purchased, built, rebuilt, added to, altered, or improved under the Authority of the first-recited Act or of this Act, or the Provisions of the secondly-recited Act, all Fixtures, Fittings, and other Articles in such House which shall have been or shall be paid for out of any Monies provided or raised under such Authority or such Provisions, and which shall be set forth in an Inventory in Writing, certified under the Common Seal of the said Commissioners, and registered in the Registry of the Diocese, shall be deemed to be, to all Intents and for all Purposes, as much Part and Parcel of the Freehold of such House of Residence as any Fixtures can in any Case now by Law be held to be Part and Parcel of the Freehold.

Residence Houses to be insured.

XI. And be it enacted, That it shall be lawful, by the Authority aforesaid, to direct that any House of Residence purchased, built, rebuilt, added to, altered, or improved under the Provisions of the said recited Acts or either of them, or of this Act, shall be insured and kept insured by the Bishop, Dean, or Canon for the Time being in the Occupation thereof, at his own personal Charge and Expence, in such public Office or Offices of Assurance from Loss or Damage by Fire, and in such Sum or Sums, as by the like Authority may be deemed fit, and such House shall be insured and kept insured accordingly; and that the Receipt for every Premium payable for any such Insurance shall be delivered to the said Commissioners within Fourteen Days after such Premium shall become due; and that in case of Loss or Damage by Fire to any such House so insured, it shall be lawful, by the like Authority, to direct in what Manner the Money received under any such Insurance shall be deposited, in Trust to be applied towards the rebuilding or repairing
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and the reinstating of such House, or of any such Part thereof as may have so suffered Loss or Damage, and also to direct in what Manner the same Money, and the Interest and Accumulations thereof, if any, shall be applied to such last-mentioned Purposes.

XII. And be it enacted, That it shall be lawful for any Corporation, Aggregate or Sole, Tenant for Life or in Tail, Guardian, Committee, or Trustee, on behalf of their or his Successors, Heirs, Remaindermen, Issue in Tail, Infants, Lunatics, and Cestuique Trusts respectively, and for any Feme Covert, to contract for, sell, and convey any Lands, Tenements, or Hereditaments, or if Copyhold to enfranchise the same, for any of the Purposes of the first and thirdly recited Acts or this Act; and that if the Purchase Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall be paid, without Fee or Reward, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account *ex parte* the Bishop, Dean and Chapter, Dean, or Canon, as the Case may be, to whom or for whose Benefit any such Lands, Tenements, or Hereditaments shall have been so sold and conveyed or enfranchised, to the Intent that such Money shall be applied, under the Direction of the said Court, by Order made upon the summary Petition of the Corporation or Person entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrance, or any Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction, in the Purchase of other Lands, Tenements, or Hereditaments, to be conveyed to, for, or upon such and the like Uses, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments so sold, conveyed, or enfranchised stood settled or limited, or such of them as shall be then existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the same Money shall, by like Order, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for any Purpose aforesaid, the Dividends and annual Produce thereof shall, by like Order, be from Time to Time paid to such Corporation or Person; and that any such Purchase Money which shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, shall be paid to Three Trustees, to be nominated in an Instrument in Writing duly executed by such Corporation or Person, and approved by the said Commissioners under their Common Seal; in order that such Principal Money, and the Dividends accruing thereon, may be applied in manner herein-before directed, so far as may be, without the Direction or Approbation of the said Court; and that any such Purchase Money which shall not exceed the Sum of Twenty Pounds shall be paid to such Corporation or Person; and the Certificate of the Cashier of the Bank of *England* shall be a sufficient Discharge

Corporations and Persons under legal Disability empowered to sell.

Application of Purchase Money where it exceeds 200*l.*

Where less than 200*l.* but exceeding 20*l.*

When not exceeding 20*l.*

Certificate of Cashier and

Receipts of Guardians, &c. to be good Discharges.

for any such Purchase Money as aforesaid therein certified to be received; and in case of Infancy or other Incapacity, the Receipt in Writing of any Guardian, Husband, Committee, or Trustee, as the Case may be, for any such Purchase Money, shall be a sufficient Discharge for the Amount therein acknowledged to be received.

Restriction as to mortgaging certain augmented Benefices.

XIII. And be it enacted, That the Powers for enabling Incumbents of Benefices to raise Money by way of Mortgage for the Purpose of purchasing, building, or improving their Houses of Residence shall not be exercised by the Incumbent of any Benefice augmented under the Provisions of the thirdly-recited Act, without the Consent of the said Commissioners signified under their Common Seal.

Powers of 3 & 4 Vict. c. 113. extended to this Act.

XIV. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the said Commissioners by the thirdly-recited Act, with reference to the Matters therein contained, and all other the Provisions of the same Act relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and apply to Her Majesty in Council and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively, with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein.

Act may be amended this Session.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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