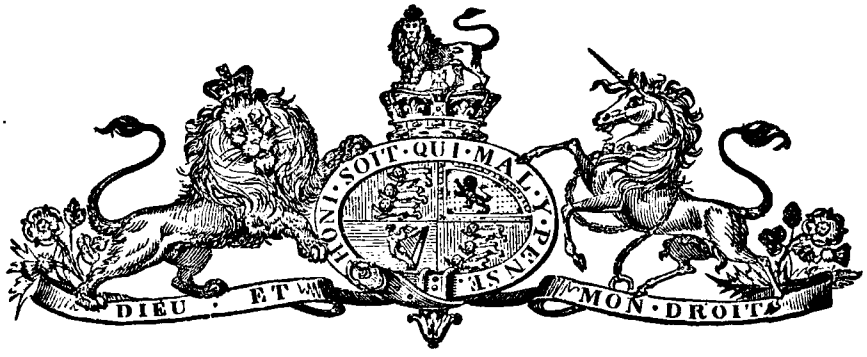


ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXI.

An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts. [2d *August* 1858.]

WHEREAS it frequently happens that the Bishop of a Diocese is a Trustee of Real or Personal Estate for charitable or other public Purposes or is invested with Powers in relation to Charities and public Trusts within his Diocese: And whereas, in consequence of the altered Limits of Dioceses in *England* it is expedient to make new Provisions for such Cases: 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:

Charity Commissioners may make Order enabling Bishop of one Diocese to act for another, as to certain Trusts, &c.

I. In all Cases in which the Bishop of a Diocese is as such Bishop, alone or jointly with any other Person or Persons, Trustee of or invested with any Power of Nomination or Control or other Power in relation to any charitable Foundation or other Trust for public Purposes within, or in favour of the Clergy, Parishioners, or other Persons or Objects of or belonging to, any Place which at the Time when

when such Bishop or his Predecessor was first invested with such Trust or Power was within that Diocese, or concerning any Church or Chapel in any such Place, and by reason of an Alteration of the Limits of the Diocese such Place is transferred to and included in some other Diocese, it shall be lawful for the Charity Commissioners for *England* and *Wales*, if it appear to them that such Trust or Power was first so vested in the Bishop or his Predecessor by reason of the Place being then within his Diocese, and may be conveniently vested in the Bishop in whose Diocese such Place is included, to make an Order under their Seal substituting from the Date thereof for the first-mentioned Bishop the Bishop of the Diocese in which such Place is included, and such Order shall operate to vest in such lastly-mentioned Bishop, either solely or jointly with any other Person or Persons, as the Case may require, all Estate, Property, Stock, Funds, Monies, Securities, Rights, Titles, Patronage, and Authority in relation to the Charity or Trust, as fully and effectually as if he had been originally appointed to have and exercise the same.

Order to be made on the Application of the Bishops or of One of them.

II. Provided, That every Order to be made under this Act shall be made upon the Application of the Bishops concerned in such Order, or One of them; and no such Order shall be made in relation to any Advowson or Right of Patronage or Presentation, Part of the Possessions of a See, which might be exchanged or otherwise disposed of by Scheme of the Ecclesiastical Commissioners confirmed by Her Majesty in Council; nor shall any such Order under this Act be made in relation to any Ecclesiastical Patronage or Power of Nomination or Appointment of any Curate, Chaplain, or Spiritual Person under any Trust without the Consent of the Ecclesiastical Commissioners under their Common Seal.

How Costs are to be defrayed.

III. Any Costs necessarily incident to effecting the aforesaid Transfers shall be defrayed by Order of the said Charity Commissioners out of the Property, Real or Personal, as the said Charity Commissioners may direct, which shall be transferred as aforesaid.

Nothing to affect Trusts, &c. within the Universities, and Colleges of Eton, Winchester, and Westminster,

IV. Provided always, That nothing herein contained shall be construed to extend to or in any way affect Trusts of a visitorial or any other Nature or Character exercised in or over any College, Hall, or School within the Precincts or under the Jurisdiction or Government of either of the Universities of *Oxford* or *Cambridge*, or in or over the Colleges or Schools of *Saint Mary* at *Eton*, *Saint Mary* at *Winchester*, and *Saint Peter* at *Westminster*.

V. Pro-

V. Provided also, That nothing in this Act contained shall be construed to extend to Endowments of an eleemosynary or any other Character, whose Foundation Trusts are or may be governed by any specific Act of Parliament. Nothing to affect certain Endowments, &c.

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