ANNO SEPTIMO

GEORGII IV. REGIS.

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C A P. LXVI.

An Act to render more effectual the several Acts now in force to promote the Residence of the Parochial Clergy, by making Provision for purchasing Houses and other necessary Buildings for the Use of their Benefices.

[26th *May* 1826.]

WHEREAS in and by an Act of Parliament passed in the Seventeenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to promote the Residence of the Parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses and other necessary Buildings and Tenements for the Use of their Benefices,* it was enacted, that where new Buildings were necessary to be provided or erected for the Habitation and Residence of the Rector, Vicar, or other Incumbent of any Ecclesiastical Living, Parochial Benefice, Chapelry, or Perpetual Curacy, pursuant to the Authority thereby given, it should be lawful for the Ordinary, Patron, and Incumbent of every such Living or Benefice to contract, or to 17 G.3. c.53.

authorize, if they should think fit, the Person to be nominated under the Provisions of the said Act to contract, for the absolute Purchase of any House or Buildings in a Situation convenient for the Habitation and Residence of the Rector, Vicar, or other Incumbent of such Living or Benefice, and not at a greater Distance than One Mile from the Church belonging to such Living, and also to contract for any Land adjoining or lying convenient to such House or Building, or to the House or Building belonging to any Parochial Living or Benefice having no Glebe lying near or convenient to the same, not exceeding the Quantity thereby limited, and to cause the Purchase Money for such House or Buildings to be paid out of the Money to arise under the Powers and Authorities of the said Act; in all which Cases the said Buildings and Lands should be conveyed to the Patron of such Living or Benefice, and his Heirs, in Trust for the sole Use and Benefit of the Rector, Vicar, or other Incumbent of such Living or Benefice for the Time being, and their Successors, and should be annexed to such Church or Chapel, and be enjoyed and go in succession with the same for ever; but no Contract so made by the Nominee should be valid until confirmed by the Ordinary, Patron, and Incumbent, by Writing under their Hands; and every such Purchase Deed was to be in the Form or to the Effect contained in the Schedule to the said Act annexed, and should be registered in such Manner and in such Office as other Deeds were thereby directed to be registered:

21 G. 3. c. 66. And whereas an Act was passed in the Twenty-first Year of the Reign of His said late Majesty, to explain and amend the said first-mentioned Act: And whereas in and by an Act of Parliament passed in the Forty-third Year of His said late Majesty's Reign, intituled

43 G. 3. c. 107. *An Act for effectuating certain Parts of an Act passed in the Second and Third Years of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the making more effectual Her Majesty's gracious 'Intentions for the Augmentation of the Maintenance of the Poor 'Clergy, by enabling Her Majesty to grant in perpetuity the 'Revenues of the First Fruits and Tenths, and also for enabling any 'other Persons to make Grants for the same Purpose,' so far as the same relate to Deeds and Wills made for granting and bequeathing Lands, Tenements, Hereditaments, Goods, and Chattels to the Governors of the Bounty of Queen* Anne, *for the Purposes in the said Act mentioned; and for enlarging the Powers of the said Governors;* it was enacted, that where a Living should have been or should be augmented by the said Governors, either by way of Lot or Benefaction, and there was no Parsonage House suitable for the Residence of the Minister, it should be lawful for the said Governors, and they were thereby empowered, from Time to Time, in order to promote the Residence of the Clergy on their Benefices, to apply and dispose of the Money appropriated for such Augmentation, and remaining in their Hands, or any Part thereof, in such Manner as they should deem most advisable, in or towards the building, rebuilding, or repurchasing a House and other proper Erections within the Parish, convenient and suitable for the Residence of the Minister thereof, which House should for ever thereafter be deemed the Parsonage House appertaining to such Living, to all In-

tents and Purposes whatsoever: And whereas in and by an Act of Parliament passed in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act for enabling Spiritual Persons to exchange the Parsonage or Glebe Houses or Glebe Lands belonging to their Benefices for others of greater Value, or more conveniently situated for their Residence and Occupation; and for annexing such Houses and Lands so taken in Exchange to such Benefices, as Parsonage or Glebe Houses and Glebe Lands; and for purchasing and annexing Lands to become Glebe in certain Cases; and for other Purposes;* it was enacted, that from and after the passing of the said Act it should be lawful to and for any Owner or Owners of any Messuages, Buildings, Lands, or Hereditaments, whether such Owner or Owners should be a Corporation Sole or Aggregate, or Tenant or Tenants in Fee Simple, or in Fee Tail General or Special, or for Life or Lives, and for the Guardians, Trustees, or Feoffees for charitable or other Uses, Husbands, or Committees of or acting for any such Owner or Owners as aforesaid, who at the Time of making any Exchange or Purchase authorized by the said Act should be respectively Infants, Feme Coverts, or Lunatics, or under any other legal Disability, or otherwise disabled to act for themselves, himself, or herself, by Deed or Deeds indented, and to be registered as therein mentioned, and with such Consent, and to be signified as therein mentioned, of such Incumbent and of the Patron and Bishop, to grant and convey to any Parson, Vicar, or other Incumbent for the Time being of any Ecclesiastical Benefice, Perpetual Curacy, or Parochial Chapelry, any Messuage, Outbuildings, Yards, Gardens, and Lands, with their Appurtenances, or any Messuage or Outbuildings only, or any Lands (with or without necessary Outbuildings) only, of such Owner or Owners, in lieu of and in exchange for any Parsonage House, Outbuildings, Yards, Gardens, and Glebe Lands, and Pastures, Feedings, and Rights of Common, or any of them, or any Part thereof, of or belonging to any such Benefice, Perpetual Curacy, or Parochial Chapelry, or (in Cases of Purchase) to sell and convey to such Parson, Vicar, or other Incumbent, any Lands, not exceeding in the whole Twenty Statute Acres, with the necessary Outbuildings thereon, for such Sum or Sums of Money as should be certified to be the true and just Value of the same at the Time of such Sale thereof, by a Valuation to be made as therein directed; which said Sum or Sums of Money to be received for the Purchase of any Lands or Hereditaments should, in all Cases where the Lands or Hereditaments so to be purchased belonged to any Corporation Sole or Aggregate, Infant, Feme Covert, Lunatic, or Person or Persons under any other Disability or Incapacity, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to such Account, and applied or laid out in such Manner and for such Purposes, and the Interest and annual Produce thereof to be paid to such Persons, as in and by the said Act appointed and directed: And whereas the Provisions of the said last-recited Act have been extended to *Ireland* by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to amend the Laws for collecting Church Rates, and* 55 G. 3. c. 147. 4 G. 4. c. 86.

Money

Money advanced by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, and for the Improvement of Church Lands, in Ireland; and also by an Act passed in the Fifth Year of His
5 G. 4. c. 8. present Majesty's Reign, intituled *An Act to amend an Act of the last Session of Parliament, for amending the Laws for the Improvement of Church Lands in* Ireland: And whereas several Acts were passed
56 G. 3. c. 52. in the Fifty-sixth Year of the Reign of His said late Majesty, and
1 G. 4. c. 6. in the First and the Sixth Years of the Reign of His present Majesty,
6 G. 4. c. 8. to amend the said Act of the Fifty-fifth Year of His late Majesty's Reign: And whereas the Means of providing Houses and Buildings for the Residence and Occupation of the Parochial Clergy are still in many Cases insufficient, by reason that the Powers given to Owners of Houses, Buildings, and Lands, by the said Act of the Fifty-fifth Year of His late Majesty's Reign, if under any Disability or Incapacity to convey, authorize the Sale of Land only, and the Exchange only of Houses and Buildings; and that although Power to purchase Houses and Buildings is given by the said Acts of the Seventeenth and Forty-third Years of His late Majesty's Reign, the Owners thereof, if under any such Disability or Incapacity, are not empowered to sell and convey the same: Be it therefore 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 from and after the passing of this Act it shall and may be lawful to and for any Owner or Owners of any Messuages, Buildings, or Lands, which may be purchased under the Authority of the said Acts of the Seventeenth and Forty-third and Fifty-fifth Years of His late Majesty's Reign, or either of them, whether such Owner or Owners shall be a Corporation Sole or Aggregate, or Tenant or Tenants in Fee Simple or in Fee Tail, General or Special, or for Life or Lives, and for the Guardians, Trustees, or Feoffees for charitable or other Uses, Husbands, or Committees of or acting for any such Owner or Owners as aforesaid, who shall be respectively Infants, Feme Coverts, or Lunatics, or under any other legal Disability, or otherwise disabled to act for themselves, himself, or herself, to sell such Messuages, Buildings, and Lands, or any of them, for the Purposes of the said Acts or either of them, and to convey the same in Manner herein-after mentioned; and all Messuages, Buildings, and Lands, which shall be purchased under the Authority of this Act, or of the said Acts of the Seventeenth, Forty-third, and Fifty-fifth Years of His late Majesty's Reign, or either of them, shall be conveyed unto and to the Use of the Parson, Vicar, or other Incumbent of the Benefice, Curacy, or Chapelry, for the Residence and Occupation of the Parson, Vicar, or other Incumbent whereof the same shall be purchased, and shall for ever, from and after the Conveyance thereof, be and become annexed to the same Benefice, Curacy, or Chapelry, and be holden and enjoyed by the Parson, Vicar, or other Incumbent thereof, and his Successors, accordingly, without any Licence or Writ of Ad quod damnum, the Statute of Mortmain or any other Statute or Law to the contrary notwithstanding; and a Copy of every such Conveyance of any Messuage, Buildings, or Lands, the Purchase Money whereof shall be raised

Corporations and Persons under Disability or Incapacity authorized to sell Messuages, Lands, &c. for the Purposes of recited Acts.

Conveyance to be registered.

raised under the Powers of the said Act of the Seventeenth Year of His late Majesty's Reign, shall be registered as by the said Act is directed with respect to Conveyances thereby authorized.

Such Messuages, Lands, &c. to be surveyed, and the Map and Valuation verified on Oath and preserved.

II. Provided always, and be it further enacted, That in every Case in which any Messuage, Buildings, or Lands shall be sold under the Authority of this Act, by any Owner or Owners, having any less Estate or Interest in the same than in Fee Simple, or by any Corporation Aggregate or Sole, or Person or Persons under any legal Disability, a Map and Plan thereof, under an actual Survey and a Valuation thereof, shall be made and taken by some competent Surveyor, and verified upon Oath to be taken before some Justice of the Peace, which Oath any Justice of the Peace is hereby authorized to administer; and such Map, Plan, and Valuation, and the Affidavit verifying the same, shall be annexed to and preserved with the Conveyance.

Application of Purchase Money.

III. Provided also, and be it further enacted, That in every Case in which a Sale and Conveyance shall be made under the Authority of this Act, of any Messuages, Buildings, or Lands which shall belong to any Corporation Aggregate or Sole, or Tenant in Fee Tail, General or Special, or for Life or Lives, Infant, Feme Covert, Lunatic, or Person or Persons under any other legal Disability, or otherwise disabled to act for themselves, himself, or herself, the Purchase Money for the same shall with all convenient Speed be paid into the Bank of *England* or the Bank of *Ireland*, as the Case may be, in the Name and with the Privity of the Accountant General of the High Court of Chancery of *England* or *Ireland*, as the Case may be, to be placed to his Account *ex parte* the Person or Persons or Corporation who would have been entitled to the Rents, Issues, and Profits of such Messuages, Buildings, or Lands; to the Intent that such Money shall be applied or laid out under the Direction and with the Approbation of the said Court of Chancery of *England* or *Ireland*, (to be signified by an Order to be made upon a Petition to be preferred by or on behalf of the Person or Persons who would have been entitled to the Rents, Issues, and Profits of such Messuages, Buildings, or Lands), in the Purchase of the Land Tax, or towards the Payment of any Debts or Incumbrances affecting the same Messuages, Buildings, or Land, or other Lands or Hereditaments standing settled to the same or the like Uses, or in the Purchase of other Lands or Hereditaments, to be conveyed, settled, and made subject to and for and upon such and the like Uses, Trusts, Limitations, and Dispositions, and in the same Manner as the Messuages, Buildings, or Lands so purchased as aforesaid stood settled or limited, or such of them as at the Time of making such Purchase and Conveyance shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Chancery of *England* or *Ireland*, upon Application thereto, be invested by the Accountant General in his Name in some one of the Public Funds of *England* or *Ireland*, and the Dividends and Annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would

would have been entitled to the Rents, Issues, and Profits of the said Messuages, Buildings, or Lands, in case no Purchase and Conveyance thereof had been made under the Provisions of this Act.

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