ANNO NONO

GEORGII IV. REGIS,

****

CAP. XCIV.

An Act for rendering valid Bonds, Covenants, and other Assurances for the Resignation of Ecclesiastical Preferments, in certain specified Cases.

[28th *July* 1828.]

WHEREAS it is expedient that certain Bonds, Covenants, and other Assurances for the Resignation of Ecclesiastical Preferments, should be rendered valid in the Cases and subject to the Limitations herein-after specified; 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 every Engagement by Promise, Grant, Agreement, or Covenant, which shall be really and *bonâ fide* made, given, or entered into at any Time after the passing of this Act, for the Resignation of any Spiritual Office, being a Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, to the Intent or Purpose, to be manifested by the Terms of such Engagement, that any One Person whosoever, to be specially named and described therein, or One of Two Persons to be specially named and described therein, being such Persons as are herein-after mentioned, shall be presented, collated, nominated, or appointed to such Spiritual Office, or that the same shall be given or bestowed to or upon him, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and the Performance of the same may also be

Engagements entered into for the Resignation of any Benefice upon Notice or Request to be valid.

Proviso. be enforced in Equity: Provided always, that such Engagement shall be so entered into before the Presentation, Nomination, Collation, or Appointment of the Party so entering into the same as aforesaid.

Relationship of such Persons.

II. Provided always, and be it further enacted, That where Two Persons shall be so specially named and described in such Engagement, each of them shall be, either by Blood or Marriage, an Uncle, Son, Grandson, Brother, Nephew, or Grand Nephew of the Patron or of One of the Patrons of such Spiritual Office, not being merely a Trustee or Trustees of the Patronage of the same, or of the Person or One of the Persons for whom the Patron or Patrons shall be a Trustee or Trustees, or of the Person or One of the Persons by whose Direction such Presentation, Collation, Gift, or Bestowing shall be intended to be made, or of any Married Woman whose Husband in her Right shall be the Patron or One of the Patrons of such Spiritual Office, or of any other Person in whose Right such Presentation, Collation, Gift, or Bestowing shall be intended to be made.

No Presentation to any Spiritual Office shall be void by reason of such Agreement to resign.

III. And be it further enacted, That no Presentation, Collation, Gift, or Bestowing to or of any such Spiritual Office of or upon any Spiritual Person, to be made after the passing of this Act, nor any Admission, Institution, Investiture, or Induction thereupon, shall be void, frustrate, or of no Effect in Law for or by reason of any such Engagement so to be made, given, or entered into by such Spiritual Person, or any other Person or Persons, to or with the Patron or Patrons of such Spiritual Office, or to or with any other Person or Persons, for the Resignation of the same as aforesaid; and that it shall not be lawful for the King's most Excellent Majesty, His Heir or Successors, for or by reason of any such Engagements as aforesaid, to present or collate unto, or give or bestow such Spiritual Office; and that such Spiritual Person, and Patron or Patrons, or other Person or Persons respectively, shall not be liable to any Pains, Penalty, Forfeitures, Loss, or Disability, nor to any Prosecution or other Proceeding, Civil, Criminal, or Penal, in any Court, Ecclesiastical or Temporal, for or by reason of his, her, or their having made, given, or entered into, or accepted or taken such Engagement as aforesaid; and that every such Presentation or Collation, or Gift or Bestowing, to be made after the passing of this Act, and every Admission, Institution, Investiture, and Induction thereupon, shall be as valid and effectual in the Law to all Intents and Purposes whatsoever as if such Engagement had not been made, given, or entered into, or accepted or taken; any thing in an Act passed in the Thirty-first Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act against Abuses in Elections of Scholars and Presentations to Benefices*, or in any other Act, Statute, or Canon, or any Law, to the contrary in anywise notwithstanding.

Persons making such Agreement not to be liable to Penalty.

Such Presentations to be valid.

31 Eliz. c. 6.

Not to extend to any Engagements, unless the Deed be deposited within Two

IV. Provided always, and be it further enacted, That nothing in this Act shall extend to the Case of any such Engagement as aforesaid, unless one Part of the Deed, Instrument, or Writing by which such Engagement shall be made, given, or entered into, shall, within the Space of Two Calendar Months next after the Date thereof, be

 deposited

deposited in the Office of the Registrar of the Diocese wherein the Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, for the Resignation whereof such Engagement shall be made, given, or entered into as aforesaid, shall be locally situate, except as to such Benefices with Cure of Souls, Dignities, Prebends, or Livings Ecclesiastical, as are under the peculiar Jurisdiction of any Archbishop or Bishop, in which Case such Document as aforesaid shall be deposited in the Office of the Registrar of that peculiar Jurisdiction to which any such Benefice with Cure of Souls, Dignity, Prebend, or Living Ecclesiastical, shall be subject; and such Registrars shall respectively deposit and preserve the same, and shall give and sign a Certificate of such Deposit thereof; and every such Deed, Instrument, or Writing shall be produced at all proper and usual Hours at such Registry to every Person applying to inspect the same; and an Office Copy of each such Deed, Instrument, or Writing, certified under the Hand of the Registrar, (and which Office Copy so certified the Registrar shall in all Cases grant to every Person who shall apply for the same,) shall in all Cases be admitted and allowed as legal Evidence thereof in all Courts whatsoever; and every such Registrar shall be entitled to the Sum of Two Shillings, and no more, for so depositing as aforesaid such Deed, Instrument, or Writing, and so as aforesaid certifying such Deposit thereof; and the Sum of One Shilling, and no more, for each Search to be made for the same; and the Sum of Sixpence, and no more, over and besides the Stamp Duty, if any, for each Folio of Seventy-two Words of each such Office Copy so certified as aforesaid.

Months with the Registrar of the Diocese or peculiar Jurisdiction wherein the Benefice is situated.

Deed to be open to Inspection; and a certified Copy to be admitted as Evidence.

Fees to Registrar.

V. And be it further enacted, That every Resignation to be made in pursuance of any such Engagement as aforesaid shall refer to the Engagement in pursuance of which it is made, and state the Name of the Person for whose Benefit it is made; and that it shall not be lawful for the Ordinary to refuse such Resignation, unless upon good and sufficient Cause to be shown for that Purpose; and that such Resignation shall not be valid or effectual, except for the Purpose of allowing the Person for whose Benefit it shall be so made to be presented, collated, nominated, or appointed to the Spiritual Office thereby resigned, and shall be absolutely null and void unless such Person shall be presented, collated, nominated, or appointed as aforesaid within Six Calendar Months next after Notice of such Resignation shall have been given to the Patron or Patrons of such Spiritual Office.

Resignation to state the Engagement, and Name of Person for whom made.

Resignation to be void, unless the Person be presented within Six Months.

VI. Provided also, and be it further enacted, That nothing in this Act shall extend to any Case where the Presentation, Collation, Gift, or Bestowing to or of any such Spiritual Office as aforesaid shall be made by the King's most Excellent Majesty, His Heirs or Successors, in right of His Crown or of His Duchy of *Lancaster*; or by any Archbishop, Bishop, or other Ecclesiastical Person, in right of his Archbishoprick, Bishoprick, or other Ecclesiastical Living, Office, or Dignity; or by any other Body Politic or Corporate, whether Aggregate or Sole, or by any other Person or Persons, in right of any

Nothing herein to extend to Presentations made by the King, &c.

any Office or Dignity; or by any Company, or any Feoffees or Trustees for charitable or other public Purposes; or by any other Person or Persons not entitled to the Patronage of such Spiritual Office as private Property.

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