CAP. CXXIV.

An Act further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capitular Estates in *England*. [28th *August* 1860.]

'WHEREAS it is expedient to amend the Acts relating to the Ecclesiastical Commissioners for *England* and the Act concerning the Management of Episcopal and Capitular Estates in *England*:' 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:

Sect. 17. of 13 & 14 Vict. c. 94. repealed.

I. Section Seventeen of the Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Ninety-four, directing the Mode of securing the annual Income of Archbishops and Bishops, shall, as respects every Archbishop and Bishop who shall succeed to a See after the passing of this Act, be repealed.

The Lands of each See to vest in the Commissioners on the next Avoidance.

II. Upon the First Avoidance of the See of any Archbishop or Bishop in *England* after the passing of this Act, all the Lands, Hereditaments, and Emoluments of or belonging to such See (except all Rights of Patronage or Presentation and the Residences of the Archbishop or Bishop, and such Lands necessary for the Enjoyment of such Residences as shall be attached thereto by any Scheme sanctioned by Order in Council) shall become vested absolutely in the Ecclesiastical Commissioners for *England*, for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners.

Lands sufficient to afford the statutory Income to be secured to each See.

III. After the Lands of a See have become vested in the Commissioners as aforesaid, an Arrangement shall be made as soon as conveniently may be, and with all reasonable Despatch, for assigning to the Archbishop or Bishop of such See and his Successors, as an Endowment for the See, such of the Lands and Hereditaments then vested in the Ecclesiastical Commissioners for *England* as in the Judgment of the Estates Committee of the said Ecclesiastical Commissioners, and subject to the Approbation of such Archbishop or Bishop, may be deemed convenient to be held as such Endowment, and will secure as nearly as may be, after deducting Costs of Management, a net annual Income equal to that named for the Archbishop or Bishop of the See by any Act of Parliament or Order in Council then in force, and no more; and in the meantime, until such Endowment is so assigned, the Ecclesiastical Commissioners shall pay to the Archbishop or Bishop of the See the annual Income named for him as aforesaid, at the Times at which the same would have been payable if this Act had not been passed.

Like Arrangement may be made before next Avoidance, on Request of the Bishop.

IV. In case any Archbishop or Bishop who may have succeeded on an Avoidance happening before the passing of this Act, and having an Income named as aforesaid, signify his Willingness to accept an Endowment for his See in Lands and Hereditaments, in lieu of his Income, it shall be lawful to make the like Arrangement for that Purpose as might have been made if the Lands of the See had become vested in the Commissioners as aforesaid, and upon such Arrangement being made all the Lands, Hereditaments, and Emoluments of or belonging to the See, except such as may be assigned under such Arrangement, and such Rights of Patronage or Presentation, and Residences as aforesaid, shall become vested absolutely in the said Ecclesiastical Commissioners.

Arrangements to be revised on Avoidance.

V. On the Avoidance from Time to Time of any See, after the Assignment of an Endowment for the same, the Estates Committee of the Ecclesiastical Commissioners may, if they shall think fit, revise the Arrangement in force in relation to such Endowment, and for that Purpose inquire into the State and Productiveness of such Endowment, and if such Endowment, in the Judgment of the Committee, will secure a net annual Income exceeding that named for the Archbishop or Bishop as aforesaid, or will not secure the full Amount of such Annual Income, such Committee may report thereon to the said Ecclesiastical Commissioners, and the said Commissioners shall, if they think fit, make an Arrangement by vesting Part of the Lands and Hereditaments constituting such Endowment in the Ecclesiastical Commissioners, or by assigning Lands and Hereditaments by way of Addition

to

to such Endowment, or by means of annual or other Payments to or by the Ecclesiastical Commissioners, as the Case may require, which may secure in the Judgment of the said Committee to the Archbishop or Bishop who may succeed upon that Avoidance the net annual Income so named, or as near thereto as Circumstances will allow: Provided always, that if a Difference of Opinion as to the Value or Sufficiency of the Estates which such Committee may propose to leave or to assign to any See shall arise between the Archbishop or Bishop thereof and the said Committee, such Difference shall be settled by Arbitration before such Arrangement as is last mentioned shall be made.

Endowments to be in lieu of the fixed Income.

VI. When the Arrangement is completed under this Act for the Endowment of a See the Lands and Hereditaments thereby assigned shall be the Endowment of the See, and shall be taken in lieu of the Income intended to be secured thereby.

Arrangements, how to be made.

VII. All Arrangements for the Purposes of this Act shall be made by the Authority and in the Manner by and in which Arrangements for carrying into effect the Recommendations recited in the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Seventy-seven, may now be made.

Lands assigned as Endowments, how to be leased.

VIII. No Lands assigned or secured as the Endowment of any See under this Act shall be granted by the Archbishop or Bishop otherwise than from Year to Year, or for a Term of Years in possession not exceeding Twenty-one Years, at the best annual Rent that can be reasonably gotten without Fine, the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste; and so that in every such Lease such or the like Covenants, Conditions, and Reservations be entered into, reserved, or contained with or for the Benefit of the Archbishop or Bishop and his Successors, as under Section One of the Act passed in the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Twenty-seven, (for better enabling the Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases,) are to be entered into, reserved, or contained in a Lease granted under that Enactment to or for the Benefit of the Incumbent and his Successors, or as near thereto as the Circumstances of the Case will permit; but where, under the said Section of the last-mentioned Act, any Consents are provided for or required, the Consent only of the Archbishop or Bishop for the Time being shall be requisite: Provided always, that it shall be lawful for the Archbishop or Bishop, with the Approval of the Estates Committee of the Ecclesiastical Commissioners, testified under the Common Seal of the said Commissioners, which the said Committee are hereby empowered to affix to any Lease for this Purpose, from Time to Time to grant Mining or Building or other Leases of any such Lands, for such Periods, for such Considerations, upon such Terms, and generally in such Manner as such Committee under the Circumstances of each Case may think fit, and it shall be lawful for such Committee to require that any Portion of the Rent reserved on any such Lease shall be payable to the said Ecclesiastical Commissioners.

Estates Committee to see that Property assigned as Endowment is kept in proper Condition.

IX. The Estates Committee shall cause the Property assigned as an Endowment for any See as aforesaid to be inspected so often as they think fit, and shall cause Notice in Writing of all Dilapidations or Want of Repair found on such Inspection, and of the Repairs or Works necessary for remedying the same, to be given to the Archbishop or Bishop of such See, and such Archbishop or Bishop shall forthwith do or cause to be done, at his or their own Expense, or at the Expense of his or their Lessees or Tenants, (as the Case may require,) the Repairs or Works mentioned in such Notice; and if any Difference arise between such Archbishop or Bishop and the Estates Committee with regard to the Condition of such Property, or the Repairs or Works required by the Estates Committee, the Matter in difference shall be referred to Arbitration as herein-after provided.

Provision for the Improvement of Lands.

X. It shall be lawful for the Estates Committee, upon the Application of any Archbishop or Bishop, to undertake or authorize any Works of permanent Improvement which such Committee may think advisable, on any Lands assigned by way of Endowment to such Archbishop or Bishop, and the Ecclesiastical Commissioners may advance out of the Common Fund the Money which may be required for the Purpose of such Works, and the Money so advanced shall be repaid, with such Interest, and at such Times, and until repaid shall

shall be charged on such of the said Lands, as may be agreed upon by the said Committee and the said Archbishop or Bishop and his or their Tenants interested in such Improvements.

Estates Committee, where required, to manage the Lands assigned.

XI. The Estates Committee shall, when required by any Archbishop or Bishop to whom Lands may have been assigned as an Endowment under this Act, undertake the Management of such Lands, and receive the Rents and Profits thereof during the Incumbency of the Archbishop or Bishop; and in every such Case as aforesaid the Estates Committee, during their Management, may grant all such Leases as might have been granted by such Archbishop or Bishop if the Lands had continued under his or their Management, and may, with the Approval of such Archbishop or Bishop, grant such other Leases as might have been granted by him or them, with the Approval of the Estates Committee; and the Commissioners shall, during the Time such Lands are under the Management of the said Estates Committee, pay to such Archbishop or Bishop the annual Income to secure which the Lands may have been assigned.

Sect. 67. of 3 & 4 Vict. c. 113. extended to all Lands.

XII. 'And whereas by the Act of the Session holden in the Third and Fourth Years 'of Her Majesty, Chapter One hundred and thirteen, Section Sixty-seven, it is provided, that, 'by Payments or Investments made out of the Common Fund of the Ecclesiastical Commis-'sioners, or by means of an actual Conveyance and Assignment of Lands, Tithes, or other 'Hereditaments, vested or to be vested in them as therein mentioned, or of a Portion 'thereof, additional Provision shall be made by the Authority therein provided for the Cure 'of Souls in Parishes where such Assistance is most required; provided always, that in 'making any such additional Provision out of any Tithes, or any Lands or other Heredi-'taments allotted or assigned in lieu of Tithes so vested or to be vested in the said 'Commissioners, or out of the Rents and Profits thereof, due Consideration shall be had of 'the Wants and Circumstances of the Places in which such Tithes arise or have heretofore 'arisen:' In making additional Provision for the Cure of Souls under the recited Enactment out of any Lands or Hereditaments whatsoever now vested or hereafter to be vested in the said Commissioners (except Lands or Hereditaments which may have been or may hereafter be bought or taken in exchange by the Commissioners, or any Estate or Interest in Lands or Hereditaments so bought or taken in exchange during the Continuance of such Estate or Interest,) or out of the Rent and Profits thereof (except as aforesaid), due Consideration shall be had of the Wants and Circumstances of the Places in which such Lands or Hereditaments may be situate or arise; and the same Rule shall also be applicable, in case the Commissioners shall see fit, in favour of Places in which Lands or Hereditaments now vested or heretofore vested in the Commissioners are situated, from which the Commissioners have heretofore derived any Income.

Provisions concerning local Claims to apply to Tithes and Lands of an Ecclesiastical Corporation having a Revenue exceeding its statutory Income.

XIII. Where any Ecclesiastical Corporation Sole is in the Receipt of an Income fixed by Act of Parliament, and the Estates of such Corporation yield an annual Income greater than the Income so fixed, it shall be incumbent on the Ecclesiastical Commissioners to make, out of any Tithes, Lands, or Hereditaments whatsoever from which such annual Income arises, or out of the Rents and Profits thereof, such Provision as may seem to them needful for the Cure of Souls in the Parish or Place in which such Tithes, Lands, or Hereditaments are situate or arise, in the same Manner and to the same Extent in and to which such Provision might be made if the said Tithes, Lands, or Hereditaments were actually vested in the Commissioners.

Preference may be given to Places where Contribution is made in aid of Grant.

XIV. In making additional Provision for the Cure of Souls under Section Sixty-seven of the said Act of the Third and Fourth Years of Her Majesty, Preference may be given, if the said Commissioners see fit, to those Places in respect of which Contributions from other Sources are made in aid of Grants out of the Common Fund, but this Enactment shall not prejudice the Proviso at the End of the said Section, or the last Two preceding Sections of this Act.

In Mining Districts Commissioners may

XV. In Districts in which large Masses of Population are collected for the Purpose of working Mines, it shall be lawful for the said Commissioners, by Resolution of a General Meeting,

Meeting, from Time to Time to make Grants to meet Benefactions for the Purpose of making temporary Provision for the Cure of Souls.

make Grants for Cure of Souls.

XVI. Where it appears to the Church Estates Commissioners that Inconvenience is occasioned in the Negotiations between any Ecclesiastical Corporation, sole or aggregate, and its Lessees, (in relation to Property which it is now authorized to dispose of,) by reason of its Disability to sell or exchange intermixed or other Lands held by such Corporation in possession, or for some other Estate which it is not now authorized to dispose of, it shall be lawful for such Ecclesiastical Corporation, with the Approval in Writing of the said Church Estates Commissioners, to sell any such Lands (whether of Freehold or Copyhold or Customary Tenure), or to exchange any such Lands for other Lands or any Estate or Interest therein; and all the Provisions of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, as amended by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and sixteen, and this Act, authorizing the receiving or paying of Money by way of Equality of Exchange, and concerning the Payment, Application, and Investment of any Money payable to or for the Benefit of any such Corporation on any such Sale, Exchange, or Enfranchisement as is mentioned in the said Act of the Fourteenth and Fifteenth Years of Her Majesty, and all other the Provisions of the said Acts in anywise applicable for effectuating any such Sale, Exchange, or Enfranchisement, or in consequence thereof, shall, so far as the Nature of the Case may require, extend and be applicable to and in consequence of any Sale or Exchange authorized by this Act.

Power to Corporations, with Approval of the Church Estates Commissioners, to sell Lands in possession, for facilitating Negotiations with Lessees.

XVII. Where it appears to the Church Estates Commissioners that any such Ecclesiastical Corporation has been accustomed to renew without Payment of any Fine, or for a nominal Fine, the Lease of any Lands used for the Purposes of a School, or the Support or Maintenance thereof, it shall be lawful for such Corporation, with the Approval in Writing of the Church Estates Commissioners, or where the Lands have become vested in the Ecclesiastical Commissioners, for such Commissioners, to convey to the Trustees or other Persons to whom a Renewal of such Lease might have been granted in trust for the Purposes of such School all or any Part of such Lands, for the whole Estate of such Corporation therein, without requiring the Payment of any Consideration for the same; and every Conveyance in pursuance of this Provision shall be made and confirmed as provided by Section Five of the said Act of the Fourteenth and Fifteenth Years of Her Majesty with reference to such Conveyances as therein mentioned.

Small Portions of Land under Leases usually renewed for the Purposes of Schools may be conveyed absolutely without Payment.

XVIII. When any Ecclesiastical Corporation, previous to the passing of this Act, has been accustomed to grant or renew, without Payment of any Fine, or for a nominal Fine, the Lease of any Lands, Tenements, Tithe Rentcharges, or other Hereditaments, for the Endowment, either in whole or part, of the Incumbent of any Parish or Chapelry, the whole Estate of such Ecclesiastical Corporation in such Lands, Tenements, Tithe Rentcharges, or other Hereditaments, heretofore held by such Lease, may, with the Consent of the Ecclesiastical Commissioners, under their Common Seal, be lawfully conveyed by such Corporation to the Incumbent to whom a Renewal of such Lease might have been granted, without such Corporation requiring the Payment of any valuable Consideration for such Conveyance.

When Ecclesiastical Corporations have been accustomed to renew Leases Lands may be conveyed by such Corporations without Consideration.

XIX. When any Ecclesiastical Corporation, previous to the passing of this Act, has been accustomed to reserve any annual Rent or other Payments in any Lease granted or renewed by them for the Endowment, either in whole or part, of the Incumbent of any Parish or Chapelry, the whole Estate of such Ecclesiastical Corporation, in such annual Rents or other Payments heretofore granted and reserved as aforesaid, may, with the Consent of the Ecclesiastical Commissioners, under their Common Seal, be lawfully conveyed to the Incumbent for whom they are at present reserved, without such Corporation requiring any valuable Consideration for the Conveyance of such Estate.

When Ecclesiastical Corporation has been accustomed to reserve Rent the whole Estates may be conveyed without Consideration.

XX. In any Case in which any Estate or Interest under any Lease or Grant made by any such Ecclesiastical Corporation may be vested in any Person or Persons as a Trustee or

Trustees and others having Power to raise

Money for Renewals may raise Money for Enfranchisements.

or Trustees, whether expressly or by Implication of Law, with Power to raise Money for the Purpose of procuring a Renewal of such Lease or Grant, and in every other Case in which a Power is vested in any Person or Persons for that Purpose, it shall be lawful for such Person or Persons to raise Money for the Purpose of purchasing the Reversion of or otherwise enfranchising the Property comprised in such Lease or Grant, and to apply the same accordingly, in the same Manner, and subject to the same Conditions, *mutatis mutandis*, so far as the same may be applicable to the Case, as such Person or Persons might by virtue of such Power have raised Money for the Purpose of renewing such Lease or Grant and have applied the same accordingly.

In estimating Value of 21 Years Leases, an Extension to 11th October 1884 to be allowed.

XXI. In estimating, for the Purposes of any Sale, Purchase, or Exchange, under the said Acts of the Fourteenth and Fifteenth Years and Seventeenth and Eighteenth Years of Her Majesty, and this Act, or any of them, the Value of the Estate or Interest of any Lessee of any Lands holden of any Archbishop or Bishop, or of the Ecclesiastical Commissioners, under any Lease granted for a Term of Twenty-one Years, an Extension of the unexpired Term to the Eleventh Day of *October* One thousand eight hundred and eighty-four, at the accustomed Rate of Fine, shall, as a Rule, be allowed, and a like Extension, at the accustomed Rate of Fine, shall, for the Purposes of Sale, Purchase, or Exchange, be allowed in the Case of any Lease for Lives, the Extent and Value of which shall be computed by Arbitrators in default of an Agreement between the Parties to be less than the Extent and Value of a Term ending on the said Eleventh Day of *October* One thousand eight hundred and eighty-four.

In estimating the Value of Mining Leases an Extension to 1884 to be allowed.

XXII. The said Ecclesiastical Commissioners or any Ecclesiastical Corporation, aggregate or sole, in carrying out the Powers of leasing Mines and Minerals vested in them, shall in the granting to the Lessees of Mines and Minerals holden of the Ecclesiastical Commissioners or any Ecclesiastical Corporation, aggregate or sole, whether for Years or for Lives, an extended Term or Estate therein, and fixing the Terms of such Grant, have regard to the Value of the Estate and Interest of the Lessees of all such Mines and Minerals under any Lease or Leases heretofore ordinarily renewable on the Payment of a Fine, and shall as a Rule, in computing such Value, estimate and include an Extension of the existing unexpired Term or Estate of the Lessees to the Eleventh Day of *October* One thousand eight hundred and eighty-four, at the accustomed Rate of Fine; and in the Case of such of the said Leases for Lives as, according to the Expectancy of Human Life, according to the Life Tables which are appended to the Twelfth Annual Report of the Registrar General of Births, Deaths, and Marriages in *England*, would not determine until after the said Eleventh Day of *October* One thousand eight hundred and eighty-four, shall have regard to the actual Value of the Estate and Interest of the Lessees.

Differences between Mining Lessees and Lessors to be referred to Arbitration.

XXIII. In case any such Lessees shall require any extended Term in such Mines and Minerals to be granted to them, and any Difference shall arise between the said Ecclesiastical Commissioners or other Ecclesiastical Corporation and such Lessees thereupon, or as to the Value so to be estimated, or as to the Rents to be reserved, or the Term of Years to be granted, or other the Terms and Conditions on which such Lease for any extended Term or Estate shall be granted, it shall be lawful for either Party to require the other Party to join in referring to Arbitration the Matter or Matters so in difference, and the same shall be referred to Arbitration.

Upon Treaty for Sale, &c. either Party may require Reference to Arbitration.

XXIV. In any Case where a Treaty shall have been or shall be entered into under the said Acts of the Fourteenth and Fifteenth Years and Seventeenth and Eighteenth Years of Her Majesty, and this Act, or any of them, for any Sale, Exchange, or Purchase, it shall be lawful for either Party to require the other Party to join in referring to Arbitration the Finding of the annual Value of the Property comprised in the Lease or Grant, and of the Value of the Fee Simple, and when such Values have been found it shall be binding on both Parties, if either Party require to proceed to such Sale, Exchange, or Purchase, on Terms to be computed according to such Finding: Provided always, that whenever the Ecclesiastical Commissioners shall decline to enter into a Treaty with a Lessee for either the Sale of the Reversion or the Purchase of the Term of or in the Lands held by such Lessee, it shall nevertheless be lawful for such Lessee, at any Time within Two Years after

the

the said Commissioners shall have so declined to treat, to require that his Estate and Interest therein shall be purchased by the Ecclesiastical Commissioners so declining to treat as aforesaid, and that the Value of such Estate and Interest shall be ascertained by such Methods and with such Extension of the unexpired Term on his said Lease as are by this Act provided in respect of other Leaseholds.

Rules to be observed in Valuation as to Rate of Interest, &c.

XXV. Provided always, That under any Arbitration under the said Act of the Seventeenth and Eighteenth Years of Her Majesty, or this Act, where any Lease shall relate to Lands (except Building Ground or Houses), the beneficial Interest of the Lessee shall be valued at the same Rate of Interest at which the Value of the Fee Simple has been determined; and where such Lease shall relate to Houses or to Building Ground, it shall be lawful for the Arbitrator or Arbitrators or Umpire, as the Case may be, simply to find the gross Sum to be paid for such Sale or Enfranchisement, in such Manner as he or they may deem just; provided also, that regard shall be had to any Consideration given to the Lessee by this Act on account of the long-continued Practice of Renewal; provided further, that in the Case of Houses the Umpire shall, notwithstanding anything in the last-mentioned Act or this Act contained, be appointed by Her Majesty's Principal Secretary of State for the Home Department.

Provision as to Under-lessees bound to contribute to Expenses of Renewals

XXVI. Where Persons holding Under-leases under the Lessee of any Ecclesiastical Corporation may, either before or after the passing of this Act, be under Obligation to pay or contribute to the Fines and Expenses of Renewal, and such Lessee is unable to obtain a Renewal of his Lease, but the Under-lessees are, by reason of the Purchase of the Reversion or other Arrangement made by such Lessee with the Ecclesiastical Commissioners, secured in the Enjoyment of the full Terms which might have been secured to them by means of such Renewal, or shall be otherwise sufficiently indemnified from all Loss which might be occasioned by Want of such Renewal, the Persons holding such Under-leases shall pay to such Lessee such gross Sums of Money or such additional yearly Rents during the unexpired Residues of such Terms as may be a just Equivalent for the Exemption from the Expenses of such Renewal; and where any such Under-lessee has under-leased, and his Under-lessees are under like Obligation to contribute to the Expenses of such Renewal, they shall pay to their Under-lessor such gross Sums of Money or such additional yearly Rents during the unexpired Residue of their Terms as may be a just Equivalent for such Exemption as aforesaid; and the Payments to be made in each Case, and the Nature and Sufficiency of the Indemnity (if any) to be given, shall, in case the Parties differ about the same, be referred to Arbitration.

Under-lessees having Right of Renewal to enjoy Benefits of this Act for Protection of Lessees.

XXVII. 'And whereas considerable Portions of the Lands and Houses holden by 'Lessees of Ecclesiastical Corporations which may be dealt with under the Provisions of 'this Act are by such Lessees granted to Under-lessees, with the Right of Renewal in case 'of the Renewal of the original Lease, and again sub-demised by such Under-lessees to 'Persons holding under them with a similar Right of Renewal:' That all such Under-lessees and Persons having such Right of Renewal shall have and enjoy, according to their respective Estates and Interest in such Lands and Houses, the Benefit of the Provisions contained in this Act for the Protection of the Lessees.

Extending Powers of Apportionment of Rent under Sect. 2. of 14 & 15 Vict. c. 104. and Sect. 2. of 17 & 18 Vict. c. 116. on Surrender, Sale, or Exchange of Part of Lands comprised in Lease held under the

XXVIII. The Powers and Provisions contained in the Section Two of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, and the Section Two of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, shall extend to authorize the Apportionment of Fines certain and Heriots, and also to authorize the Substitution of Money Payments in lieu of Heriots, and the Apportionment of such Money Payments, and shall be applicable as well to Cases under those Acts as to Cases under this Act; and the Powers and Provisions so extended shall apply to all Cases of the Surrender, Conveyance, or Assignment to or in trust for the said Ecclesiastical Commissioners of the Estate or Interest in a Part only of the Lands comprised in any Lease, Grant, or Copy, the Reversionary or Freehold Estate in which is or shall be vested in the said Ecclesiastical Commissioners, and also to all Cases of the Sale, Exchange, or Enfranchisement by the said Ecclesiastical Commissioners of a Part only of the Lands comprised in any such Lease, Grant, or Copy; and the

Ecclesiastical Commissioners.

the Enfranchisement or Surrender under the said Acts or either of them, or this Act, of a Part only of any Copyhold or Customary Lands held under a Grant or Copy, shall not affect, in other respects than the Apportionment of the Rents, Fines, and Heriots, any Custom by or under which the Remainder of the Land comprised in such Grant or Copy is held, or the demiseable Quality of the Remainder of such Land.

Sums of Money agreed to be paid by Ecclesiastical Commissioners may, on Failure of Lessee or Grantee to make marketable Title to or Assurance of Land, be paid into Bank of England.

XXIX. In every Case in which under any Contract by the Ecclesiastical Commissioners or any such Corporation with any Lessee or Grantee holding Land under the Ecclesiastical Commissioners or such Corporation by any Lease for Lives or Years, or Copyhold or Customary Grant, for the Purchase or receiving in Exchange or Partition by the Ecclesiastical Commissioners or such Corporation of any Land comprised in such Lease or Grant, any Sum of Money is agreed to be paid by the said Ecclesiastical Commissioners or such Corporation, and in which the Lessee or Grantee shall fail or declare himself unable to make a marketable Title to or an effectual Assurance of such Land to the said Ecclesiastical Commissioners or such Corporation, such Sum of Money may, with the Consent of such Lessee or Grantee, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery to an Account in the Matter of "An Act" [*Title of this Act*], to the Credit of the Parties interested in such Land, and be disposed of in like Manner as is directed by "The Lands Clauses Consolidation Act, 1845," with respect to Purchase Monies in the Case of Parties neglecting or failing to make out satisfactory Titles; and upon the Execution of an Assignment, Surrender, or other Assurance by the Person for the Time being the Party in possession or receipt of the Rents and Profits of the Land so agreed to be sold or conveyed in Exchange unto or in trust for the Ecclesiastical Commissioners or such Corporation, all the Estate and Interest in such Land in respect whereof such Money shall have been paid shall vest absolutely in the said Ecclesiastical Commissioners or Corporation, or other Person to whom the same shall be expressed to be assured.

Provision for Release of Rentcharge granted to Commissioners by way of Endowment of Church or Chapel.

XXX. It shall be lawful for the Commissioners, if they shall think fit, to release any Rentcharge granted or transferred to them by way of Endowment of any Church or Chapel, in consideration of the Transfer into their Names of a Sum in the Three *per Centum* Consolidated Bank Annuities, producing Dividends equal in Amount to such Rentcharge; and also, if they shall think fit, to release any Part or Parts of the Lands out of which any such Rentcharge is issuing from the Payment thereof without any Consideration, provided the Residue of such Lands shall in their Judgment be sufficient Security for such Rentcharge, and in such Case the Rentcharge shall be wholly chargeable on and issuing out of such Residue of the Lands.

Rights and Obligations under Special Acts preserved.

XXXI. Where any Estate now or heretofore of any Ecclesiastical Corporation is subject to any Special Act of Parliament providing for the perpetual Renewal of the Lease or Leases thereof, or for the Leasing or the Management of such Estate, or creating or imposing any Rights, Remedies, or Obligations with reference to such Estate, the Rights of Renewal, and other the Rights and Obligations under such Special Act, shall not be affected by this Act or by the Transfer of such Estate to the Commissioners, but such Special Act, and any Leases, Contract, Under-leases, Enfranchisements, and Instruments already or hereafter to be made, entered into, or executed thereunder, shall be construed so that by virtue of the Act of Parliament or other Authority under which the Estate shall have been transferred to or vested in the Commissioners, the same Leases, Contracts, Under-leases, Enfranchisements, and Instruments may operate and have Effect as if the Commissioners, as to such Part of the Estate as for the Time being shall be vested in them, and their respective Assigns as to each such several Part thereof as shall be vested in them respectively, were therein substituted for the Ecclesiastical Corporation whose Estate has been or shall be so transferred or have become so vested; and such Special Act, Leases, Contracts, Under-leases, Enfranchisements, and Instruments shall be construed as if such Commissioners or their respective Assigns, as regards the Portion of the Estate vested in them respectively, were named or referred to therein instead of the Corporation named or referred to therein; and the Seal of such Commissioners shall be in every Case as regards the Estate or Part of an Estate for the Time being vested in them, and the Sealing and Delivery by any Assignee shall be in every Case, as regards the Estate or Part of an Estate for the Time being vested in him, as effectual as the

the Signature or Seal, or Signature and Seal, as the Case may be, of the Corporation whose Estate has been or shall be so transferred or become so vested.

Power of Partition of Estates held under Special Acts, &c.

XXXII. Whenever any Property shall be vested in the Ecclesiastical Commissioners jointly or in common with any other Person, or subject to any Estate or Interest vested in any other Person, either under any Special Act of Parliament or any Lease or Grant, and such Person shall be a Trustee of the Estate or Interest vested in him or them, it shall be lawful for such Trustee, in every Case in which he shall expressly or by Implication of Law have a Power of Sale, with such Consents only (if any) as may be requisite to such Sale, to concur with the said Ecclesiastical Commissioners, and also to and for the said Ecclesiastical Commissioners, under an Arrangement to be made in manner herein provided, to concur with such Trustee as aforesaid in making Partition of such Property so as to vest in the said Commissioners in Severalty in Fee, discharged from all Rights, Titles, and Trusts affecting the Estate or Interest of such Trustee, such Portion of the said Property as shall, under all the Circumstances of the Case, be a just and fair Equivalent for the Interest of the said Commissioners in the whole of such Estate, and in any Payments or Reservations payable to them thereout, and so as to vest in such Trustee in Severalty in Fee such remaining Portion of such Estate as shall in like Manner be a just and fair Equivalent for the Interest in the whole Estate of all other Parties besides the said Commissioners; and the Portions of such Estate to be vested in the said Commissioners and Trustee respectively in Severalty as aforesaid shall be ascertained by Arbitration as herein provided.

Substitution of Titles on Exchange or Partition.

XXXIII. Every Exchange or Partition which shall be made under the Provisions of the said Acts of the Fourteenth and Fifteenth and of the Seventeenth and Eighteenth Years of Her Majesty, of this Act, or any of them, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, and shall be in nowise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of any of the Parties to such Exchange or Partition; and the Land expressed to be conveyed to or vested in any Corporation or Person under such Exchange or Partition shall henceforth be subject only to the same Uses, Limitations, Charges, and Equities as previously affected the Land in lieu or in respect of which the same was conveyed or vested by way of Substitution, or as near thereto as, regard being had to the different Natures or Tenures of the Interests acquired under such Exchange or Partition, and the relative Rights and Equities of Parties, and the Circumstances of the Case, will admit or may require.

Providing for the Transfer of the Paddington Estate.

XXXIV. When the Reversion in Fee in the Lands and Hereditaments at *Paddington* in the County of *Middlesex*, Part of the Possessions of the See of *London* (commonly called the *Paddington* Estate) now vested in the Bishop of *London*, subject to the Provisions of a Private Act of Parliament passed in the Sixth Year of His Majesty King *George* the Fourth, Chapter Forty-five, and the several Acts therein recited, shall be vested in the said Ecclesiastical Commissioners, either under the Provisions of this Act or of any of the Acts relating to the said Ecclesiastical Commissioners, the same shall become vested in them subject to the several Powers and Obligations created by the said Private Act and the Acts therein recited, which Powers and Obligations shall be exerciseable by and binding upon the said Commissioners while the said Reversion shall remain vested in them, in the same Manner as if the said Commissioners were named in the said Acts instead of the said Bishop, and as if the Common Seal of the said Commissioners had been thereby required or referred to instead of the Hand or Signature of the said Bishop; and the said Reversion shall continue to be so vested in the said Commissioners until a special Scheme, to be prepared by the said Commissioners, for the Purpose of transferring, disposing of, or managing the same, shall be approved of by Her Majesty in Council, Notice of which Scheme shall be inserted and published in the *London Gazette* One Calendar Month at least previously to the same being so approved; and in such Scheme there shall be inserted such Provisions as shall be deemed proper for the Preservation and future Exercise and Fulfilment of the said Powers and Obligations, with such Alterations or Modifications (if any) as, having regard to the Change of Circumstances, may be deemed necessary; and such Scheme, when so approved, shall have the Force of an Act of Parliament.

Power to Trustees and Persons having Interests to charge Enfranchisement Monies on the Lands enfranchised, &c.

XXXV. 'And whereas in some Cases Leases or Grants made by Ecclesiastical Corporations are in Settlement, or held in trust, without Power to raise Money for Renewals, or the Manner prescribed for raising Money for Renewals may not be applicable for raising the Money required for Purchase or Enfranchisement:' It shall be lawful for any Person or Persons being a Trustee or Trustees, expressly or by Implication of Law, of any such Lease or Grant, or any Person being under any Will or other Settlement in the actual Possession or Receipt of the Rents and Profits of the Lands comprised in such Lease or Grant, upon purchasing the Reversion or otherwise procuring the Enfranchisement of such Lands, to charge such Lands (or where the whole thereof is settled to the same Uses, Trusts, or Purposes any Part thereof, exclusively of the Residue thereof,) with the Payment to any Person advancing any Money paid for such Purchase or Enfranchisement, and for the Expenses incident to such Purchase or Enfranchisement, or for either of those Purposes of the Money so advanced, with Interest thereon at a Rate not exceeding Five Pounds *per Centum per Annum*, and to convey or cause to be conveyed such Lands by way of Mortgage for securing such Payment accordingly; and such Charge shall be effectual as well on the subsisting Term or Estate under such Lease or Grant as on the Reversion or Interest acquired by such Purchase or Enfranchisement, and not only against the Person making the same, and all Persons claiming through him or for whom he may be a Trustee, but also against all Persons claiming any Estate or Interest in the same Lands through or under the same Will or Settlement, but so as not to prejudice any prior Charge or Incumbrance, Under-lease, or Tenancy affecting such Lands; and, subject and without Prejudice to such Charge and Mortgage so made as aforesaid, the Interest acquired by such Purchase or Enfranchisement shall be subject in Equity as is provided by Section Three of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, concerning the Interest in Land acquired by any Lessee under that Act.

Wherever Estate under such Lease or Grant is vested in Trustees, and Monies are vested in same Trustees, they may raise out of such Monies sufficient for Renewal of Lease, &c.

XXXVI. Wherever the Estate and Interest under any such Lease or Grant may be vested in any Trustee or Trustees, either expressly or by Implication of Law, and any Monies, Stocks, Funds, or Securities for Money are vested in the same Trustees or Trustee, upon the same or like Trusts, it shall be lawful for such Trustees or Trustee, with the Consent of the Person or Persons entitled for the Time being to the beneficial Receipt of the Dividends or annual Proceeds of such Monies, Stocks, Funds, or Securities, if such Person or Persons shall be capable of giving Consent, or if there shall be no Person capable of giving Consent, or if such Consent shall be withheld, and the Trustee or Trustees shall consider such a Course essential to the Interest of the Parties entitled under the Settlement, then with the Sanction and Approbation of the Court of Chancery, to be obtained on Petition to the said Court, to raise out of such Monies, or by Sale of such Stocks, Funds, or Securities, a sufficient Sum for the Purpose of purchasing the Reversion of, or otherwise enfranchising, the Property comprised in such Lease or Grant, and of procuring, if necessary for the Purpose of Enfranchisement, the Renewal of such Lease or Grant, and to pay and apply the same accordingly, and all Payments and Applications of Monies, or of the Proceeds of the Sale of such Stocks, Funds, or Securities so made as aforesaid, shall be valid and binding on all Persons interested under the Trust, Will, or Settlement under or by which such Monies, Stocks, Funds, or Securities for Money may be held in trust or settled as aforesaid.

Lands in the Lease or other Lands settled to like Uses may be sold or mortgaged to raise Money for Purchase of Reversion, under Direction of the Court of Chancery.

XXXVII. Where any such Lease or Grant may be vested in any Person or Persons as a Trustee or Trustees, whether expressly or by Implication of Law, and other Lands, whether Freehold, Copyhold, or Leasehold, are vested in the same Trustees or Trustee upon the same or like Trusts, or are settled to the same Uses or Purposes, or as near thereto as the different Tenures of the Lands admit, or where any Person is under any Will or Settlement in the actual Possession or Receipt of the Rents and Profits of the Lands comprised in such Lease or Grant and of other Lands settled to like Trusts or Uses as aforesaid, it shall be lawful for such Trustees or Trustee, or such Person as aforesaid, with the Sanction and Approbation of the Court of Chancery, to be obtained on Petition to the said Court, to raise Money either by Sale or Mortgage of all or any Part of the Property comprised in the Lease or Grant, and the other Lands, whether Freehold, Copyhold, or Leasehold, vested in such Trustee or Trustees, or settled as aforesaid, as the said Court shall direct, for the Purpose of purchasing

purchasing the Reversion of or otherwise enfranchising the Property comprised in such Lease or Grant, in such Manner, and subject to such Provisions for protecting or adjusting the Equities arising under such Purchase or Enfranchisement and such Mortgage or Sale as aforesaid, as the Court shall think fit; and all Sales and Mortgages effected for the Purposes aforesaid shall be valid and binding on all Persons interested under the Trust, Will, or Settlement under which such Lands may be held in trust or settled as aforesaid.

Trustees empowered to sell Estates held under Lease.

XXXVIII. In any Case in which the Estate and Interest under any Lease or Grant made by any Ecclesiastical Corporation may be vested in any Trustee or Trustees, and such Trustee or Trustees shall not have Power to sell, it shall be lawful for such Trustee or Trustees, with the Consent in Writing of the Person or Persons entitled for the Time being to the beneficial Receipt of the Rent or annual Proceeds thereof, if such Person or Persons shall be capable of giving Consent, or if there shall be no Person capable of giving Consent, or if such Consent shall be withheld and the Trustee or Trustees shall consider a Sale essential to the Interests of Parties entitled under the Settlement, then, with the Sanction and Approbation of the Court of Chancery, to be obtained on Petition to the said Court, to sell and dispose of all or any Part of such Property; and in every such Case the Purchase Money shall be paid to such Trustee or Trustees, whose Receipt shall be a good Discharge for the same; and the Money so paid to such Trustee or Trustees shall be invested and be held by him or them upon the same Trusts, as far as the Circumstances of the Case will admit, as the Leasehold Property, if not sold, would have been subject to; and such Investment may, with the Sanction and Approbation of the Court of Chancery, be made in the Purchase of other Leasehold Estates, whether held under any Ecclesiastical Corporation or not.

Persons empowered to raise Money for Enfranchisement may give Lands in exchange for Reversion.

XXXIX. Any Person authorized under this Act or otherwise to raise any Money for the Purchase of the Reversion of any Lease or Grant may exchange with the Corporation by which such Lease or Grant was made, or with the Ecclesiastical Commissioners, any Part of the Lands comprised in such Lease or Grant, for the Reversion, Estate, or Interest of such Corporation or the Ecclesiastical Commissioners in any other Part of the Lands comprised therein, or may exchange such Lands or any Part thereof for the Reversion, Estate, or Interest of the Corporation by which any Lease or Grant was made in any Lands comprised in any other Lease or Grant held under the same Trusts, or settled to the same Uses, Trusts, or Purposes.

Compensation to Officers of Ecclesiastical Corporations,

XL. 'And whereas certain Officers of Ecclesiastical Corporations will be injured by the 'Restriction herein-before contained on the Power of granting Leases, whereby such Officers 'will be deprived of the Profits arising from the Preparation of such Leases and other Instru-'ments connected therewith:' It shall be lawful for the said Ecclesiastical Commissioners, and they are hereby required, to award and pay to such Officers such Sum of Money or Annuity as may be deemed by the said Commissioners a sufficient Compensation for the Loss such Officers will from Time to Time sustain by reason of the Restriction aforesaid; provided nevertheless, that such Officers have personally discharged their own Duties.

Provision as to Arbitration.

XLI. Where by this Act it is provided that any Matter in difference shall be referred to Arbitration, or where any Difference shall arise between the Commissioners and any Body or Person touching the annual or other Sums of Money to be paid to any Archbishop or Bishop as herein directed, or touching the Value or Nature of the Estates proposed to be assigned as Endowment for any Archbishop or Bishop, the Matter in difference shall be referred to Two Arbitrators, One to be appointed by each Party, and all the Provisions of "The Common Law Procedure Act, 1854," applicable in the Case of such an Arbitration, shall apply accordingly; and for the Purpose of the Application of the said Act this Act shall be deemed the "Document" authorizing the Reference to Arbitration; and where any Matter is so referred, the Award of the Arbitrators or Umpire shall be final.

Extension of Patronage Exchange Powers.

XLII. It shall be lawful for any Person within the Meaning of the Term Person, as the same is interpreted by the Act Sixteenth and Seventeenth *Victoria*, Chapter Fifty, to exchange under the Provisions of the same Act any Advowson or Ecclesiastical Patronage belonging

belonging to such Person for any Advowson or Ecclesiastical Patronage belonging to any Ecclesiastical Corporation aggregate or sole, or any other Person.

Treasurer's Receipts to be full Discharges.

XLIII. Every Receipt or Acknowledgment of Payment already given or to be given by the Treasurers for the Time being of the said Ecclesiastical Commissioners shall fully discharge the Person or Corporation to whom the same shall be given from all Responsibility in respect of the Amount in such Receipt or Acknowledgment expressed to have been received or paid, and from all Liability in respect of the Application or Misapplication thereof.

Not to affect Christ Church, Oxford, or Collegiate Church at Manchester.

XLIV. Nothing in this Act contained, except Sections Eighteen, Nineteen, and Forty-two, shall in any Manner affect or apply to the Cathedral Church of *Christ* in *Oxford*, nor shall anything in this Act contained affect or apply to the Cathedral or Collegiate Church of *Manchester*, or to the Parish of *Manchester* Division Act, 1850.

CAP. CXXV.

An Act for better regulating the Supply of Gas to the Metropolis.

[28th *August* 1860.]

'WHEREAS the following Gas Companies; (that is to say,) "The Gaslight and Coke Company," "The *City of London* Gaslight and Coke Company," "The *Commercial* Gaslight and Coke Company," "The *Equitable* Gaslight Company," "The *Great Central* Gas Consumers Company," "The *Independent* Gaslight and Coke Company," "The *London* Gaslight Company," "The *Phœnix* Gaslight and Coke Company," "The *Ratcliff* Gaslight and Coke Company," "The *Surrey* Consumers Gas Company," "The *South Metropolitan* Gaslight and Coke Company," "The *Western* Gaslight Company (Limited)," "The *Imperial* Gaslight and Coke Company," or some of them, are respectively incorporated under the Authority of Parliament, for the Purpose of supplying several Districts of the Metropolis with Gas; and the said Companies, instead of supplying Gas by several Mains in the same District, have agreed, as far as possible, each One to confine its Supply to a separate District, in order to economise Capital and avoid the too frequent opening of the public Streets, and, subject to the Provisions and Restrictions of this Act, it is expedient that such districting should receive the Sanction of Parliament: And whereas the Regulations to which those Companies are subject are not uniform: And whereas it is expedient that Provision be made for the due Regulation of all Companies and Persons supplying Gas within the Metropolis:' May it therefore please Your Majesty that it may be enacted; and 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; (that is to say,)

Short Title.

I. This Act may for all Purposes be cited as "Metropolis Gas Act, 1860."

10 & 11 Vict. c. 15. incorporated with this Act.

II. "The Gasworks Clauses Act, 1847," (except so far as the Provisions thereof are inconsistent with this Act,) is incorporated with and forms Part of this Act, and shall apply to the several Companies before named or referred to as fully as if the Gasworks of the several Companies were authorized by this Act; and the Expression "Undertakers" in the recited Act shall be held to apply to every Gas Company affected by this Act; but it shall not be lawful for any Gas Company, by the Application of any of their Profits or Funds, to make up to the prescribed Rate, or the Rate of Ten Pounds *per Centum per Annum* where no such Rate shall be prescribed, any Dividend which shall have been payable more than Six Years previously; provided that the Powers vested in the Justices by the said Act shall be exercised by a Magistrate.

Companies and Persons to whom Act applies.

III. This Act applies to the several Gas Companies, and to all Persons already or hereafter supplying Gas within the Metropolis, except as herein-after excepted.

IV. In