CAP. L.

An Act to effect Exchange of Patronage by Archbishops, Bishops, and other Ecclesiastical Corporations. [4th *August* 1853.]

'WHEREAS by an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-seven, Provision is made for effecting, by the Authority therein named, that is to say, a Scheme prepared by the Ecclesiastical Commissioners for *England*, and ratified by an Order of Her Majesty in Council, and duly gazetted, such Alterations in the Apportionment or Exchange of Ecclesiastical Patronage among the several Bishops as should be consistent with the relative Magnitude and Importance of their respective Dioceses: And whereas by an Order in Council ratifying a Scheme of the said Ecclesiastical Commissioners in pursuance of the said Act, and gazetted the Fourth *June* One thousand eight hundred and fifty-two, certain Alterations in the Apportionment or Exchange of Ecclesiastical Patronage have been duly made, and the same have been found beneficial, and it is expedient to extend the Benefit thereof, and in many Cases the Patronage so assigned may be advantageously exchanged for Patronage in other Hands:' 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: 6&7 W. 4. c. 77. Order in Council, dated 4th June 1852.

I. It shall be lawful for any Archbishop, Bishop, or any other Ecclesiastical Corporation, sole or aggregate, by the Authority of a Scheme of the Ecclesiastical Commissioners for *England*, ratified by Her Majesty in Council, and duly gazetted, to assign and transfer the Patronage of any Benefice or Benefices of which he shall be seised in right of his See, or other Preferment held by him by way of Exchange only, and not otherwise, to any Archbishop, Bishop, or other Ecclesiastical Corporation, sole or aggregate, who is and are hereby authorized to accept and acquire and hold the same, or to any other Person, for the Patronage of any other Benefice or Benefices; and from and after the Publication of the Scheme and Order in Council effecting such Transfer the Benefice or Benefices and Patronage thereby purporting to be transferred and exchanged shall be and remain thereby duly vested in the respective Archbishop, Bishop, or other Ecclesiastical Corporation, sole or aggregate, or other Person, Party to such Exchange, without any Transfer, Conveyance, or Assurance in the Law other than the said Scheme and Order so published in the Gazette as aforesaid. Power for Archbishop, &c. by Authority of a Scheme of Ecclesiastical Commissioners, to exchange Patronage.

II. Provided that in every such Case the said Ecclesiastical Commissioners shall, before submitting such Scheme for the Consideration and Approval of Her said Majesty in Council, make due Inquiry into the Circumstances of the proposed Exchange, and into the equal or relative Value of the Benefice or Benefices and Patronage proposed to be thereby transferred, and shall certify the same to Her Majesty, with such Particulars thereof as may be necessary to show that such Exchange is made in conformity with the Intentions of the said recited Act. Commissioners, before submitting Scheme for Approval, to inquire into and certify Particulars.

III. The Word "Person" shall include any Corporation, and the Master, Provost, Warden, or Head of any College or Collegiate Establishment, and the Master, Guardian, or Head of any Hospital, and the governing Body respectively entitled in his or their Corporate Capacity to any such Patronage, and shall also extend to and include the Queen's Majesty as well in respect of Patronage vested or to be vested in or exercised by Her Majesty in right of the Crown as in right of the Duchy of *Lancaster* or of the Duchy of *Cornwall*; and in every Case of Exchange in right of the Crown where the Benefice is above the yearly Value of Twenty Pounds in the Queen's Books the Assent of Her Majesty shall be testified by the Signature of the Lord High Treasurer or First Commissioner of the Treasury for the Time being, and when such yearly Value shall be Twenty Pounds or under such Assent shall be testified by the Signature of the Lord High Chancellor, and the Assent of Her Majesty when the Patronage is in respect of the Duchy of *Lancaster* shall be testified by the Signature of the Chancellor of the Duchy, and when the Patronage As to the Meaning of the Word "Person." Who to assent in Cases of Exchange of Benefices in right of the Crown.

is in respect of the Duchy of *Cornwall* such Assent shall be testified by Two or more of the principal Officers of the said Duchy, to be appointed in manner provided for Appointment of Officers to grant Leases under the Provisions of an Act passed in the Session held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Five, which Assent they are hereby authorized and empowered to give; and in every Case of Exchange in right of the Duchy of *Cornwall*, when there is a Duke of *Cornwall*, the Assent of the said Duke shall be testified in Writing under the Privy Seal of the said Duke first had and obtained for that Purpose.

As to Patronage of Benefices taken by the Crown or given in exchange.

IV. Where the Patronage of any Benefice or Benefices is given in exchange by the Crown, the Benefice or Benefices respectively taken in exchange for the same shall follow and be subject to the Course of Patronage of the Benefice or Benefices so given by the Crown.

Provisions of 1 & 2 W. 4. c. 45. respecting the Annexation of Lands, &c. to any Church, &c. extended to this Act.

V. All the Provisions and Powers of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of King *William* the Fourth, Chapter Forty-five, relating to the Annexation by the Owner or Owners of any Lands, Tenements, or other Hereditaments whatsoever to any Church or Chapel under the Patronage of such Owner or Owners, shall apply to and may be exercised by any Archbishop or Bishop in reference to any Church or Chapel the Patronage whereof shall have been transferred from such Archbishop or Bishop under the said Order in Council gazetted the Fourth *June* One thousand eight hundred and fifty-two, or by any Archbishop, Bishop, or other Ecclesiastical Corporation, Person or Persons, whose Patronage shall be the Subject of any Exchange under this Act in reference to such Patronage, notwithstanding such Patronage may have been so transferred by such Exchange.

CAP. LI.

An Act for granting to Her Majesty Duties on Succession to Property, and for altering certain Provisions of the Acts charging Duties on Legacies and Shares of Personal Estates. [4th *August* 1853.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies for defraying Your Majesty's Public Expenses, and making a permanent Addition to the Public Revenue, have freely and voluntarily resolved to grant unto Your Majesty the Duties herein-after mentioned; and do most humbly beseech 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:

Interpretation of Act.

I. In the Construction and for the Purposes of this Act,

"Real Property."

The Term "Real Property" shall include all Freehold, Copyhold, Customary, Leasehold, and other Hereditaments, and Heritable Property, whether corporeal or incorporeal, in *Great Britain* and *Ireland*, except Money secured on Heritable Property in *Scotland*, and all Estates in any such Hereditaments:

"Personal Property."

The Term "Personal Property" shall not include Leaseholds, but shall include Money payable under any Engagement, and Money secured on Heritable Property in *Scotland*, and all other Property not comprised in the preceding Definition of Real Property:

"Property."

The Term "Property" alone shall include Real Property and Personal Property:

"Succession."

The Term "Succession" shall denote any Property chargeable with Duty under this Act:

The