ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

CAP. XLI.

An Act for explaining and amending ſeveral Acts, made in the Thirty-ſecond Year of King *Henry* the Eighth, and the Firſt, Thirteenth, and Fourteenth Years of the Reign of Queen *Elizabeth*, ſo far as reſpects Leaſes granted by Archbiſhops, Biſhops, Maſters and Fellows of Colleges, Deans and Chapters of Cathedral and Collegiate Churches, Maſters and Guardians of Hoſpitals, and others having any Spiritual or Eccleſiaſtical Living or Promotion. [16th *May* 1800.]

Preamble.

WHEREAS Doubts have ariſen whether Archbiſhops, Biſhops, Maſters, and Fellows of Colleges, Deans and Chapters of Cathedral and Collegiate Churches, Maſters and Guardians of Hoſpitals, and others having any Spiritual or Eccleſiaſtical Living or Promotion, who are by ſeveral Acts, paſſed in the Reigns of Their late Majeſties King *Henry* the Eighth and Queen *Elizabeth*, reſtrained from granting any Leaſes of their Eſtates whereon the accuſtomed yearly Rent is not reſerved, can lawfully grant ſeparate Leaſes of Parts of Lands or Tenements which have been uſually demiſed by One Leaſe and under One Rent, reſerving on the ſeveral Parts ſo demiſed leſs than the Rent anciently reſerved on the Demiſe of the Whole, though the Aggregate Amount of the Rents ſo reſerved on ſuch ſeparate Demiſes ſhould be equal to or exceed the Amount of the annual accuſtomed Rent for the Whole: And whereas many ſuch ſeparate Leaſes have been granted, and great Inconvenience may ariſe to Perſons claiming under ſuch Leaſes, if ſuch

Leaſes ſhould not be deemed valid and effectual, in caſe the Amount of the Rent anciently reſerved on Demiſes of the Whole ſhall appear to have been reſerved on the ſeparate Demiſes of the different Parts; and the Power of dividing Tenements, anciently ſo demiſed in One Parcel at One Rent, may in many Caſes tend to improve the Value of the Eſtates belonging to ſuch Eccleſiaſtical Perſons and Bodies reſpectively, as well as to the Benefit of their Leſſees and the Publick; may it therefore pleaſe Your Majeſty that it may be enacted; and be it 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 in all Caſes where any Honours, Caſtles, Manors, Meſſuages, Lands, Tythes, Tenements, or other Hereditaments, being Parcel of the Poſſeſſions of any Archbiſhop, Biſhop, Maſter, and Fellows, Dean and Chapter, Maſter or Guardian of any Hoſpital, or any other Perſon or Perſons, or Body or Bodies Politick or Corporate, having any Spiritual or Eccleſiaſtical Living or Promotion, and having been anciently or accuſtomably demiſed by One Leaſe under One Rent, or divers Rents iſſuing out of the Whole, now are or ſhall hereafter be demiſed by ſeveral Leaſes to One or ſeveral Perſons under an apportioned or ſeveral Rents, or where a Part only of ſuch Honours, Manors, Meſſuages, Lands, Tythes, Tenements, or other Hereditaments as laſt mentioned, are or ſhall be demiſed by a ſeparate Leaſe or Leaſes, under a leſs Rent or leſs Rents than was or were accuſtomably reſerved for the Whole by ſuch former Leaſe, and the Reſidue thereof is or ſhall be retained in the Poſſeſſion or Occupation of the Leſſor or Leſſors, the ſeveral and diſtinct Rents reſerved on the ſeparate Demiſes of the ſeveral ſpecifick Parts thereof comprized in and demiſed by ſuch ſeveral Leaſes, ſhall be deemed and taken to be the ancient and accuſtomed Rents for ſuch ſpecifick Parts reſpectively, within the Intent and Meaning of an Act, paſſed in the Thirty-ſecond Year of the Reign of His late Majeſty King *Henry* the Eighth, intituled, *Leſſees to enjoy the Farm againſt the Tenants in Tail*; and of an Act, paſſed in the Firſt Year of the Reign of Her late Majeſty Queen *Elizabeth*, intituled, *An Act giving Authority to the Queen's Majeſty, upon the Avoidance of any Archbiſhop or Biſhop, to take into Her Hands certain of the temporal Poſſeſſions thereof, recompenſing the ſame with Parſonages impropriate and Tythes*; and of another Act, paſſed in the Thirteenth Year of the ſame Queen, intituled, *Fraudulent Deeds made by Spiritual Perſons, to defeat their Succeſſors of Remedy for Dilapidations, ſhall be void, &c.* and of another Act, paſſed in the Fourteenth Year of the Reign of the ſame Queen, intituled, *An Act for the Continuation, Explanation, perfecting and enlarging of divers Statutes.*

Where any Part of the Poſſeſſions of any Archbiſhop, &c. or Perſon having any Eccleſiaſtical Living, ſhall be demiſed by ſeveral Leaſes, which was formerly demiſed by One, or where a Part ſhall be demiſed for leſs than the ancient Rent, and the Reſidue ſhall be retained in the Poſſeſſion of the Leſſor, the ſeveral Rents reſerved on the ſeparate Demiſes of the ſpecific Parts ſhall be taken to be the ancient Rents within the Meaning of 32 *Hen* VIII, Cap 28, 1 *Eliz.* Cap. 19, 13 *Eliz.* Cap. 5, and 14 *Eliz.* Cap. 11.

II. Provided always, That nothing herein contained ſhall extend to confirm or render valid any Demiſe made before the paſſing of this Act, unleſs the ſeveral Rents reſerved upon the ſeparate Demiſes of ſeparate Parts of Tenements, theretofore accuſtomably demiſed under One entire Leaſe, ſhall be equal to or more than the Rent or Rents theretofore accuſtomably reſerved on the entire Demiſe of the Whole, or in caſe the Whole ſhould not be demiſed, but Part reſerved in the Poſſeſſion of the Leſſor or Leſſors, unleſs the Rents reſerved on the Parts demiſed ſhould be ſo far equal to or more than the whole Amount of the ancient Rent or Rents, that the Part not demiſed ſhould be ſufficient to anſwer the Difference.

Demiſe made before paſſing this Act not valid, unleſs the Rents reſerved be equal to or more than the Rents accuſtomably reſerved, *etc.*

III. Provided alſo, That where the Whole of any ſuch Honours, Caſtles, Manors, Meſſuages, Lands, Tythes, Tenements, or other Hereditaments, accuſtomably demiſed by One Leaſe, ſhall be demiſed in Parts by ſeveral Leaſes after the paſſing of this Act, the aggregate Amount of the ſeveral Rents which ſhall be reſerved by ſuch ſeparate Leaſes, be not leſs than the old accuſtomed Rent or Rents theretofore reſerved by ſuch entire Leaſe; and that where a Part only ſhall be ſo demiſed by any ſuch ſeparate Leaſe, and the Reſidue ſhall be retained in the Poſſeſſion of the Leſſor or Leſſors, the Rent or Rents to be reſerved by ſuch ſeparate Leaſe or Leaſes, ſhall not be leſs, in Proportion to the Fine or Fines to be received on granting ſuch Leaſe or Leaſes, than the Rent or Rents accuſtomed to be reſerved for the Whole of the ſaid Premiſes, was in Proportion to the Fine received on granting the laſt entire Leaſe.

Where the Whole of ſuch Premiſes ſhall be demiſed in Parts, the aggregate Rents reſerved ſhall not be leſs than the old accuſtomed Rent, and ſo in Proportion where a Part ſhall be retained in Poſſeſſion by the Leſſor.

IV. Provided alſo, That no greater Proportion of the accuſtomed Rent be reſerved by any ſeparate Leaſe hereby confirmed or allowed to be granted, than the Part of the Premiſes thereby ſeverally demiſed will reaſonably bear and afford a competent Security for.

No greater Proportion of the accuſtomed Rent ſhall be reſerved by any ſeparate Leaſe than the Premiſes demiſed will bear.

V. Provided alſo, That where any ſpecifick Thing, incapable of Diviſion or Apportionment ſhall have been reſerved or made payable to the Leſſor or Leſſors, his or their Heirs or Succeſſors, either by Way of Rent, or by any Covenant or Agreement contained in any ſuch entire Leaſe, the ſame may be wholly reſerved and made payable out of a competent Part of ſuch Lands or Tenements demiſed by any ſuch ſeveral Leaſe as aforeſaid; and in caſe, in any Leaſe already granted, and intended hereby to be confirmed, any ſuch Proviſion ſhall appear to have been made for the Payment and Delivery of any ſuch Sum or Sums of Money, Stipends, Augmentations, or other Things as aforeſaid, the ſame ſhall be deemed and taken to have been lawfully made, in caſe the Lands and Tenements charged therewith ſhall be of a greater annual Value than the Payment or other Things ſo charged, excluſive of the Rent or other annual Payment reſerved to the Leſſor or Leſſors.

Where any ſpecifick Thing ſhall have been reſerved by the Leſſor, it may be a Charge on the Premiſes demiſed, *&c.*

VI. Provided further, That nothing herein contained ſhall extend to authorize or confirm any Leaſe whereon no annual Rent is or ſhall be reſerved to the Leſſor or Leſſors, his or their Succeſſors or Aſſigns.

No Leaſe confirmed whereon no annual Rent to the Leſſor is reſerved.

VII. Provided alſo, and be it further enacted, That this Act, or any Thing herein contained, ſhall not authorize the Reſervation or Payment of any Rent or Rents upon any ſuch ſeveral Leaſe made or to be made under Authority of this Act, by any Maſter, Provoſt, Preſident, Warden, Dean, Governor, Rector, or Chief Ruler of any College, Cathedral Church, Hall or Houſe of Learning, in the Univerſities of *Oxford* and *Cambridge*, or by the Warden or other Head Officer of the Colleges of *Wincheſter* and *Eaton*, in any other Manner or Proportions than is required by an Act paſſed in the Eighteenth Year of the Reign of Her ſaid late Majeſty Queen *Elizabeth*, intituled, *An Act for Maintenance of the Colleges in the Univerſities, and of* Wincheſter *and* Eaton.

Not to authorize the Reſervation of any Rent on any ſuch Leaſe made by any Maſter, *&c.* of any College in the Univerſities, *etc.* in any other Manner than is required by 18 *Eliz.*

VIII. Provided alſo, That where any ſuch accuſtomably entire Leaſes as aforeſaid ſhall have uſually contained Covenants on the Part of the Leſſee or Leſſees for the Payment or Delivery, or ſhall have in any other Manner ſubjected or charged ſuch Leſſee or Leſſees to or with the Payment

Where Payments have been reſerved to Vicars, *&c.* other than the Leſſors, Proviſion ſhall be

made in Leaſes for the future Payment thereof, out of Premiſes of Three Times the annual Value.

ment or Delivery of any Sum or Sums of Money, Stipend, Augmentation, or other Thing, to or for the Uſe of any Vicar, Curate, Schoolmaſter, or other Perſon or Perſons, other than and beſides the Leſſor or Leſſors, and his or their Heirs or Succeſſors, all or any ſuch Leaſes as ſhall hereafter be granted of the ſame Lands or Tenements in Severalty as aforeſaid, ſhall and may lawfully provide for the future Payment and Delivery of ſuch Sum or Sums of Money, Stipends, Augmentations, or other Things, by and out of any Part or Parts of the Lands or Tenements accuſtomably charged therewith, not being of leſs annual Value than Three Times the Amount of the Payment ſo to be charged thereon, excluſive of the Proportion of Rent or other annual Payments to be reſerved to the Leſſor or Leſſors.

Not to confirm the Claim of any Vicar, *etc.* to ſuch Payment, where it depends only on the Will of the Perſon granting or renewing the Leaſe.

IX. Provided always, That nothing in this Act ſhall extend to eſtabliſh or confirm the Claim of any Vicar, Curate, Schoolmaſter, or other Perſon or Perſons, to any ſuch Sum or Sums, Salary, Stipend, or other Thing as aforeſaid, the Payment and Continuance whereof ſhall depend only on the Will of the Perſon or Perſons, or Body or Bodies Politick or Corporate, granting or renewing ſuch Leaſe or Leaſes reſpectively.

Perſons holding ſuch Leaſes in Truſt, or granting Under Leaſes of ſpecifick Parts under Covenants of Renewal, may ſurrender them, that ſeparate Leaſes may be granted by the original Leſſors to the Ceſtuique Truſts and Under Leſſees on reaſonable Terms, ſubject to the accuſtomed Rent, *etc.*

X. And be it further enacted, That where any Perſon or Perſons now holding, or who ſhall hereafter hold, any ſuch Leaſe or Leaſes as in this Act mentioned, ſhall or may hold the ſame, or any ſpecifick Part of the Lands or Tenements thereby demiſed, in Truſt for any other Perſon or Perſons, or for any Body or Bodies Politick or Corporate, or ſhall have granted any Under Leaſe or Under Leaſes of any ſpecifick Part or Parts of his, her, or their reſpective Holdings, and be under any Covenant or Engagement for Renewal thereof to any other Perſon or Perſons, Body or Bodies Politick or Corporate, when and as often as his, her, or their own Leaſe or Leaſes ſhall be renewed, it ſhall and may be lawful for ſuch Perſon or Perſons as firſt mentioned, at any Time or Times after the paſſing of this Act, to ſurrender his, her, or their Leaſe or Leaſes, in order that ſeparate and diſtinct Leaſes may be granted by the original Leſſor or Leſſors of ſuch ſpecifick Parts of the ſame Premiſes as ſhall have been held in Truſt, or ſubject to ſuch Covenants or Engagements for Renewal as aforeſaid, to the reſpective Under Leſſees and Ceſtuique Truſts, upon fair and reaſonable Terms, ſubject to an Apportionment of the accuſtomed Rent or Rents, and other Payments, according to the Intent and Meaning of this Act; and every ſuch Surrender ſo made, and the new Leaſes to be granted thereon, according to the Intent and Meaning of this Act, ſhall be good and effectual in Law and Equity, notwithſtanding ſuch Under Leſſees and Ceſtuique Truſts, or any of them, ſhall or may be Infants, Iſſue unborn, Femes Covert, Perſons abſent from the Realm, or otherwiſe incapacitated to act for themſelves, provided that ſuch new Leaſes reſpectively be for the Benefit of the ſeveral Perſons entitled to the Benefit of ſuch ſurrendered Leaſe or Leaſes reſpectively, and be expreſsly ſo declared in the Body of each ſuch new Leaſes reſpectively.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's moſt Excellent Majeſty. 1800.