ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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An Act to prevent the future Grant by Copy of Court Roll and certain Leases of Lands and Hereditaments in *England* belonging to Ecclesiastical Benefices. [6th *August* 1861.]

WHEREAS there are in *England* certain Ecclesiastical Benefices to which belong Manors, Lands, Tenements, and Hereditaments which, by Custom or otherwise, the Rectors, Vicars, Perpetual Curates, or Incumbents thereof have Power to grant and lease out for Lives and long Terms of Years, and such Grants have been made by them at nominal annual Rents, to the Prejudice of their Successors, and it is expedient to determine and put an end to the Power to make such Grants: Be it therefore 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:

No Grant by any future Prebendary, Rector, &c. to be valid, unless made

1. It shall not be lawful for any Prebendary of any Prebend, not being a Prebend of any Cathedral or Collegiate Church, Rector, Vicar, Perpetual Curate, or Incumbent who after the passing of this Act may become possessed of or entitled to any Manors, Lands, Tenements, or Hereditaments belonging to any Ecclesiastical Benefice in *England*, to

in conformity with the Provisions of certain Acts.

make any Grant by Copy of Court Roll or Lease of any such Manors, Lands, Tenements, or Hereditaments in consideration of any Fine, Premium, or Foregift, but the same may, by any Rector Vicar, Perpetual Curate, or Incumbent appointed after the passing of this Act, be leased sold, exchanged, or enfranchised, or disposed of under the Provisions of a certain Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her Majesty, Chapter Twenty-seven, intituled *An Act for better enabling Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases;* of a certain other Act passed in the same Session of Parliament, Chapter One hundred and eight, intituled *An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years;* and of a certain other Act passed in the Session of Parliament held in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter Fifty-seven, intituled *An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years*, or such of the Provisions of such Acts respectively as are now in force.

Reserving Rights of present Incumbents and other Rights.

2. Nothing herein contained shall interfere with or prevent the Right and Power of any such present Prebendary, Rector, Vicar, Perpetual Curate, or Incumbent, during his Incumbency, to make any Grant by Copy of Court Roll or Lease which he might lawfully have made before the passing of this Act, and nothing herein contained shall prejudice or affect any Grant heretofore made by any such Prebendary, Rector, Vicar, Perpetual Curate, or Incumbent, or any Right of Renewal or Tenant Right, if any such there be, in any Manors, Lands, Tenements, or Hereditaments held under any such Grant, or under any Lease, nor shall this Act prejudice or affect any Power of Sale, Exchange, or Enfranchisement existing under any Statute now in force, or any present or future Right of Admission of any Person to any Copyhold Tenement according to the Custom of the Manor of which it is holden, and to which such Person may be legally entitled.

Rectors to have same Powers of Sale as are possessed by Ecclesiastical Corporations.

3. Notwithstanding anything contained in the Eleventh Section of an Act passed in the Session held in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, any Rector, Vicar, Perpetual Curate, or Incumbent shall have such and the same Powers of Sale, Exchange, and Enfranchisement as are possessed by any Ecclesiastical Corporation, sole or aggregate, under any Act now in force; and the Provisions of an Act passed in the Session held in the Twenty-third and Twenty-fourth Years of Her Majesty,

Leases, &c. by Incumbents Restriction.

Majesty, Chapter One hundred and twenty-four, shall, so far as the same relate to Powers for the raising or Application of Money by Trustees, Allowances to Lessees, Arbitration, Valuation, Rate of Interest, Apportionment of Rent, and Substitution of Titles on Exchange, be applied, *mutatis mutandis*, to Sales, Exchanges, or Enfranchisements of any Manors, Lands, Tenements, or Hereditaments in this Act comprised; but the Proceeds of any such Sales or Enfranchisements, and any Monies received by way of Equality of Exchange, shall be applied according to the Provisions in that Behalf contained in the said Act passed in the Session held in the Fifth and Sixth Years of Her Majesty, Chapter One hundred and eight, and in the said Act passed in the Session held in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Fifty-seven.

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